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SUPPLEMENT

TO THE

REVISED STATUTES

OF THE

UNITED STATES,

EMBRACING THE STATUTES, GENERAL AND PERMANENT IN THEIR NATURE, PASSED AFTER THE REVISED STATUTES; WITH REFERENCES CONNECTING PROVISIONS ON THE SAME SUBJECT, EXPLANATORY NOTES, CITATIONS OF JUDICIAL DECISIONS, AND A GENERAL INDEX.

VOLUME

I.

LEGISLATION OF

1874-1881,

THE 43D, 44TH, 45TH, AND 46TH CONGRESSES.

PREPARED AND EDITED BY

WILLIAM A. RICHARDSON,

ONE OF THE JUDGES OF THE COURT OF CLAIMS.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1881.

JOINT RESOLUTION

TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF A

SUPPLEMENT TO THE REVISED STATUTES.

[See page 582.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the SUPPLEMENT TO THE REVISED STATUTES, * be stereotyped at the Government Printing Office; and the index and plates thereof and all right and title therein and thereto shall be in and fully belong to the government for its exclusive use and benefit. *

That * copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes, * and such additional copies, on the order of the Secretary of State, as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created; *

The publication herein authorized shall be taken to be prima facie evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein;

But shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress:

Provided, That nothing herein contained shall be construed to change or alter any existing law.

Approved, June 7, 1880.

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PREFACE.

The purpose and character of this work cannot better be expressed than in the language of the report of the Committee of the Senate on the Revision of the Laws of the Forty-fifth Congress, composed of Senators STANLEY MATTHEWS of Ohio, DAVID DAVIS of Illinois, WILLIAM A. WALLACE of Pennsylvania, and FRANCIS KERNAN of of New York, recommending its adoption and publication by Congress, from which the following extracts are made:

The Committee on the Revision of the Laws, who were instructed, by order of the Senate of the 27th of January last past, to inquire into the expediency of making provision for publishing a revision of the statutes of the United States adopted since the date of the existing revision, have considered the subject, and respectfully submit the following report:

The Revised Statutes embrace the laws, general and permanent in their nature, in force December 1, 1873, but were not enacted until June 22, 1874, and were not printed and given to the public until 1875.

In the mean time legislation had been going on, many of the laws incorporated therein had been repealed, altered, or amended, and when the volume came into general use it was two years behind the enactments of Congress.

In March, 1877, an act was passed for the publication of a second edition, but this was not completed until the latter part of the year 1878, and includes only the specific amendments, adding to or striking out sections or parts of sections, which were passed by the Forty-third and Forty-fourth Congresses, with references to some other acts.

It does not contain the great mass of general laws enacted during the past six years, and it has no references whatever to the legislation of the Forty-fifth Congress, so that the Revised Statutes, even with the second edition, do little more than bring the laws down to December 1, 1873, and at the end of the present Congress they will be six years in arrears [now increased to eight years].

At no other period of time of equal length has general legislation been more extensive nor more difficult to trace out, much of it being included in annual appropriation acts, into which it has become a not infrequent practice to introduce provisions of permanent and general laws.

Moreover, the indexes to the Statutes at Large, which at the end of the present session will be in three [now four] volumes since the Revised Statutes, embrace all the laws, general, special, and private, as well as treaties, proclamations, &c., combined, rendering it a difficult and uncertain task to ascertain exactly what alterations have been made to the general laws.

It is obvious that some provision should be made for the publication and distribution of the permanent and general statutes in a convenient form brought down to as late date as possible and separated from the acts which are temporary in their nature or of no general and permanent interest.

The committee have examined a work prepared by Judge William A. Richardson, and now ready for the press, with the exception of the laws of the present session, which are to be added thereto. Its title indicates its contents.

The numerous notes supplement the statutes wherever references to other acts or to facts are necessary to a clear understanding of the effect of the enactments.

The marginal references connect together the acts on the same subject, and by means thereof the reader is at once directed to all the legislation on the subject-matter of any law which he is examining.

A table is added of the sections of the Revised Statutes repealed, altered, or affected by subsequent legislation, with references to the pages where such changes may be

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found, so that in considering any section of those statutes a reference to this table will indicate whether or not it has been amended or in any way affected, and will point to the amendments, if any, which have been made.

These notes and references, which number several thousand, are the result of annotations made by the editor from time to time during a series of years for his own use, with great care and often with much research, in which he has had the benefit of more than twenty years' experience in such kind of work.

The volume will contain some five hundred or six hundred pages, and we are satisfied must prove to be a convenient and useful edition of the laws for Congress, the courts, public officers, and all who have occasion to consult the statutes of the United States, and will form a necessary and almost indispensable accompaniment to the Revised Statutes.

It is not a revision but a reproduction of the existing general laws in the language of their enactment, in chronological order, with notes and references as before pointed out.

The text of the acts and resolutions, as herein printed, has been carefully compared by the editor and a competent assistant with the rolls in the Department of State, and the exact words and punctuation of the original laws have been followed and reproduced.

A few explanations will render the convenience and the practical usefulness of the work more easily availed of and more readily understood.

1. The table at the beginning of the volume gives a list, in numerical order, of all the sections of the Revised Statutes which have been repealed, altered, or affected by subsequent legislation, with references to the pages of this volume where the subsequent provisions may be found. Where those provisions have been incorporated into the second edition of the Revised Statutes the fact is noted by a star (*) affixed to the page referred to.

2. The running title at the top of each page indicates the Congress, the session, the year, month, and day, the chapter, and, in case of a long act, the sections, of the statute on that page.

As all acts are printed in chronological order, and in the numerical order of the laws of each session, any act referred to by date and chapter in any other writing may be readily found herein by following the running title.

3. Resolutions follow the acts of each session. Proclamations and extracts from treaties are placed at the end of the text of the volume, immediately preceding the index.

Only such proclamations and treaties are inserted as are of general interest and give force and effect to or explain statutes and resolutions.

4. The head-notes to each act enable the reader to ascertain, when desired, the general scope of the act without reading the entire act.

5. In the margin are noted at the beginning of each act the date of its passage, with a reference to the volume and page where the same act is printed in the Statutes at Large.

References are also made therein to sections of the Revised Statutes and other previous laws affected by the act, and to subsequent laws by which it is itself modified or affected.

Decisions of the Federal and State courts and the opinions of the Attorneys-General having a bearing upon the construction or application of the statute are referred to.

The marginal notes of the text state the effect of the enactments when words are inserted or stricken out, except where they correct merely typographical errors.

The text of long sections is divided into convenient paragraphs, with a marginal note to each paragraph, so that the reader will not find it necessary to go through the whole section to reach what he is looking for.

6. The plan of the work, as approved by the committees of the Senate and House, was to include only laws of a general and permanent nature, as distinguished from the temporary laws applicable to the service of the government for a single year. It has often been very difficult to make the distinction, especially in appropriation acts, which, although entitled and generally intended for one year's service, frequently contain some provisions which are clearly designed to be of continuing and permanent force, and others as to which differences of opinion might exist. In the latter case, such provisions have been inserted.

In some cases provisions which are manifestly permanent are found repeated in subsequent appropriation acts as though they were temporary. Such provisions are generally not repeated in this volume, unless there is some change of language which might be thought to give rise to a different construction and possibly a change in the law.

A few of the acts of a general nature passed since the passage of the Revised Statutes have been repealed. They are, however, included in this edition because in some cases they are subsequently referred to in unrepealed acts which cannot be understood without reference to them. In all cases they are so connected with existing laws and the course of legislation that they afford light upon the object and intention of Congress in passing the later acts. Besides, most of them, like the bankruptcy acts in particular, are still in force for certain purposes, and all have existing rights resting upon them. They take but little space in the text, and the fact of repeal is noted there as well as in the index and in the table of sections of Revised Statutes altered, amended, and repealed.

The volume will be equally convenient and useful to those who have only the first edition of the Revised Statutes as to those who have the second edition. It contains substantially all the general laws passed since December 1, 1873, including all of those which are incorporated into the second edition.

For the convenience of those having the second edition, all acts in this volume which have been incorporated therein are so noted on the pages of the text, and are indicated in the index and in the table of sections of the Revised Statutes altered, &c., by a star (*).

Without the Supplement, the Revised Statutes are an unsafe guide to existing laws, as about 1,500 sections have been altered, affected, or repealed by legislation contained in this volume.

WILLIAM A. RICHARDSON.

WASHINGTON, D. C., *August*, 1881.

SECTIONS

OF THE

REVISED STATUTES

ALTERED, AFFECTED, OR REPEALED BY LEGISLATION CONTAINED IN THIS VOLUME.

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Brackets [ ], inclosing references to a page, indicate that the provisions on that page have been superseded or repealed by subsequent legislation.

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GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-THIRD CONGRESS—FIRST SESSION

IN

THE YEAR 1874.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and STAT. L. to the Statutes at Large.
Rep., followed by text in brackets, indicates that the part so inclosed is repealed, and
Sup., that the part following in brackets is superseded, by acts noted in margin, or referred to in the notes.]

CHAPTER 6.

AN ACT RELATING TO THE LIMITATION OF STEAM PRESSURE OF VESSELS USED EXCLUSIVELY FOR TOWING AND CARRYING FREIGHT ON THE MISSISSIPPI RIVER AND ITS TRIBUTARIES.

January 6, 1874.
18 Stat. L., 2.

Steam-pressure allowed to be carried by freight and tow boats on Mississippi River.
—may be above standard, by permission, &c.

Be it enacted, &c., That the provisions of an act entitled "An act to provide for the better security of life on vessels propelled in whole or in part by steam," &c., approved February twenty-eighth, eighteen hundred and seventy-one, (1) so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, are hereby so far modified as to substitute for such boats one hundred and fifty pounds of steam pressure in place of one hundred and ten pounds, as provided in said act for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness;

Steam pressure allowed to be carried by freight and tow boats on Mississippi River. R. S., § 4420.

And such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds to the square inch. [*January* 6, 1874.]

—may be above standard, by permission, &c.

NOTE.—(1) The provisions of the act of 1871, ch. 100 (16 Stat. L., 445), here referred to, as modified by the act of 1872, ch. 2 (17 Stat. L., 23), are incorporated into Revised Statutes in section 4420 noted in the margin.

CHAPTER 7.

AN ACT TO SO AMEND THE LAWS RELATIVE TO INTERNAL REVENUE AS TO ALLOW DISTILLERY WAREHOUSES TO BE CONTINUED IN USE AFTER CHANGES HAVE OCCURRED IN THE MANAGEMENT OF THE BUSINESS.

January 8, 1874.
18 Stat. L., 2.

Distillery warehouses, how may be used by successor in business.
Spirits belonging to former occupant to be separated by partition.
Lien for tax not impaired; but bond of successor may be approved notwithstanding.

Be it enacted, &c., That when from death or from any other cause there shall be a change in the person, firm or company engaged in the business of distilling at any distillery, and the person firm or company that by

Distillery warehouses, how may be used by succes-

sor in business. R. S., § 3271.

reason of such change ceases to carry on said business at such distillery has at the time of such change spirits in the distillery warehouse, it shall be lawful for the Commissioner of Internal Revenue, upon the written consent of the surviving principals and sureties interested, and under such rules and regulations, and upon such other conditions, as he may prescribe, to permit the succeeding person, firm or company to use the distillery warehouse on the premises in the same manner as if it did not contain distilled spirits belonging to the original person, firm or company after setting apart and separating, by a secure and unbroken partition such portion of it as may be necessary for the storage and safe-keeping of the spirits distilled by the original person, firm or company, during the period allowed by law for the removal of distilled spirits from distillery warehouses, or until said spirits are removed, and the tax paid thereon within that time:

Spirits belonging to former occupant to be separated by partition. R. S., § 3293. 1880, May 28, ch. 108, § 4.

Provided, That nothing herein contained shall impair or in any way affect the lien existing at the time of such change under section one of the internal revenue act of July twenty eighteen hundred and sixty-eight as amended, or other liabilities under any internal revenue law, but the existence of such lien shall be no ground for refusing to approve the bond of the succeeding person, firm or company, anything in section eight of the said act of July twenty, eighteen hundred and sixty-eight, as amended, to the contrary notwithstanding.(1) [*January* 8, 1874.]

Lien for tax not impaired; but bond of successor may be approved notwithstanding. R. S., §§ 3251, 3260, 3262.

NOTE.—(1) The provisions of the act here referred to, 1868, ch. 186, §§ 1, 8 (15 Stat. L., 125, 128), and the amendments to the same, are incorporated into the Revised Statutes, in the sections noted in the margin.

CHAPTER 11.

January 20, 1874.

18 Stat. L., 4.

AN ACT REPEALING THE INCREASE OF SALARIES OF MEMBERS OF CONGRESS, AND OTHER OFFICERS.

Repeal of law increasing salaries; restoring former compensation. | Amounts in excess of former salaries, not paid or returned, to be covered into the Treasury.

Repeal of law increasing salaries; restoring former compensation. 1873, March 3, ch. 226, 14 C. Cl. 78.

Be it enacted, &c., That so much of the act of March third, eighteen hundred and seventy-three, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four,"(1) as provides for the increase of the compensation of public officers and employees, whether members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act:

Provided, That mileage shall not be allowed for the first session of the Forty-third Congress;

That all moneys appropriated as compensation to the members of the Forty-second Congress, in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid. [*January* 20, 1874.]

Amounts in excess of former salaries, not paid or returned, to be covered into Treasury.

NOTE.—(1) The act here referred to and repealed, 1873, ch. 226 (17 Stat. L., 486), is incorporated into the Revised Statutes in the numerous provisions which set forth the salaries of different officers as there established. In the second edition of the Revised Statutes (1878) tables are printed on pages 1093–1097, showing the salaries affected by this act, so far as they appear on the books of the First Comptroller, with the amount of each before and after its passage. To these should be added the Capitol police, who are paid out of the contingent funds of the two Houses of Congress, in accordance with appropriations made from year to year. R. S., §§ 1821, 1822. *See Bradshaw's case*, 14 C. Cls., 78.

CHAPTER 14.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FOUR, AND FOR OTHER PURPOSES," APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-THREE.

January 22, 1874.
18 Stat. L., 5.

Debates of Congress to be printed under direction of Joint Committee on Printing.

Be it enacted, &c., That the act entitled "An an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three, be, and the same is hereby, amended by adding to the proviso (1) in the clause of said act relating to the public printing and binding the following words: "and of the House of Representatives." [*January* 22, 1874.]

Debates of Congress to be printed under direction of Joint Committee on Printing.
1873, Mar. 3, ch. 227.
R. S., § 78.

NOTE.—(1) The provision here referred to in act of 1873, ch. 227 (17 Stat. L., 510), is incorporated into the Revised Statutes, § 78.

CHAPTER 15.

AN ACT IN RELATION TO THE PRINTING OF THE BIENNIAL REGISTER COMMONLY CALLED THE BLUE BOOK.

January 23, 1874.
18 Stat. L., 5.

Biennial Register; 1,500 copies to be printed.

Be it enacted, &c., (**Sup.**) [That in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior be, and he is hereby, directed to cause to be printed fifteen hundred copies of the said work.] [*January* 23, 1874.]

Biennial Register.
R. S., §§ 510, 3800.
Superseded.
1877, Dec. 15, ch. 4.

CHAPTER 16.

AN ACT MAKING APPROPRIATIONS TO PAY FOR REPORTING THE DEBATES AND PROCEEDINGS OF CONGRESS.

January 28, 1874.
18 Stat. L., 5.

Pay for reporting proceedings of Congress fixed.

Be it enacted, &c.

* * * * * * * * * *

SECTION 3. * * * *

Provided, (**Sup.**) [That from and after the passage of this act a sum not exceeding forty-two thousand dollars shall be paid for reporting the proceedings of each House of Congress for any one Congress, under the direction of the respective Houses; and all laws inconsistent herewith are hereby repealed.] [*January* 28, 1874.]

Pay for reporting proceedings of Congress fixed.
R. S., 54.
Superseded 1874, June 22, ch. 388, par. 5.

CHAPTER 18.

AN ACT TO ABOLISH THE OFFICE OF DEPUTY COMMISSIONER OF INTERNAL REVENUE.

January 29, 1874.
18 Stat. L., 6.

Two deputy commissioners of internal revenue only:—one to be designated First Deputy.

Be it enacted, &c., That the office of Deputy Commissioner of Internal Revenue, made vacant by the death of General B. J. Sweet, be, and the same is hereby, abolished; and that the Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, designate one of the two remaining deputy commissioners as First Deputy Commissioner, who shall perform the duties and be paid only the salary prescribed for the office of deputy commissioner hereby abolished. [*January* 29, 1874.]

Two deputy commissioners of Internal Revenue only:—one to be designated First Deputy.
R. S., §§ 235, 322.

CHAPTER 19.

January 29, 1874.
18 Stat. L., 6.

AN ACT AUTHORIZING COINAGE TO BE EXECUTED AT THE MINTS OF THE UNITED STATES FOR FOREIGN COUNTRIES.

Coinage for foreign countries may be executed at United States mints.

Coinage for foreign countries may be executed at United States mints.
R. S., §§ 3495, 3516.

Be it enacted, &c., That it shall be lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge for the same shall be equal to the expenses thereof, including labor, materials, and use of machinery, to be fixed by the director of the mint, with the approval of the Secretary of the Treasury: *Provided*, That the manufacture of such coin shall not interfere with the required coinage of the United States. [*January* 29, 1874.]

CHAPTER 22.

February 4, 1874.
18 Stat. L., 14.

AN ACT IN RELATION TO THE LINES OF TELEGRAPH CONNECTING THE CAPITOL WITH THE VARIOUS DEPARTMENTS OF THE GOVERNMENT.

Telegraph lines between Capitol and Departments to be under supervision of officer in charge of public buildings, &c. | — Operation of, how conducted.

Telegraph between Capitol and Departments to be under supervision of officer in charge of public buildings, &c.
1873, ch. 227 (17 Stat. L., 519).
R. S., § 1797.
1874, Mar. 7, ch. 50; June 23, ch. 461.

Be it enacted, &c., That the lines of telegraph, connecting the Capitol with the various Departments in Washington, constructed under and by virtue of the act of Congress approved March third, eighteen hundred and seventy-three, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," be, and the same are hereby, placed under the supervision of the officer in charge of the public buildings and grounds; and that the said officer be authorized and empowered to make rules and regulations for the working of said lines.

— operation of, how conducted.

And the Secretary or Head of each Executive Department, and the Congressional Printer, are hereby authorized to detail one person from their present force of employees to operate the instruments in said Departments and printing office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month, during the sessions of Congress. [*February* 4, 1874.]

CHAPTER 24.

February 9, 1874.
18 Stat. L., 15.

AN ACT CHANGING THE TIMES FOR HOLDING CERTAIN DISTRICT COURTS OF THE UNITED STATES, FOR THE STATE OF IOWA.

SECTION
1. District courts in Iowa, terms of. | SECTION
2. Processes to be entered at said terms.

District courts in Iowa, terms of.
R. S., § 572.

Be it enacted, &c.

[SECTION 1], That instead of the times now fixed by law, the terms of the district courts of the United States for the district of Iowa, to be held in the city of Keokuk and the city of Council Bluffs, shall commence

At Keokuk on the third Tuesday of January and the third Tuesday of June, and

At Council Bluffs on the fourth Monday of March and the fourth Monday of September, in each year.

Processes to be entered at said terms.

SEC. 2. That all causes, processes, suits, and proceedings now pending or commenced for said terms of court, or hereafter to be commenced, shall be continued or returned in and to said courts at the several times herein specified. [*February* 9, 1874.]

CHAPTER 25.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE REMOVAL OF THE FLATHEAD AND OTHER INDIANS FROM THE BITTERROOT VALLEY, IN THE TERRITORY OF MONTANA," APPROVED JUNE FIFTH, EIGHTEEN HUNDRED AND SEVENTY-TWO.

February 11, 1874.
18 Stat. L., 15.

SECTION
1. Pre-emption lands in Bitterroot Valley; time of sale and payment extended.
2. Settlers on, to have benefit of homestead laws.

Be it enacted, &c.

Pre-emption lands in Bitterroot Valley; time of sale and payment extended.
R. S., § 2267.

[SECTION 1], That the time of sale and payment of pre-empted lands in the Bitterroot Valley, in the Territory of Montana, is hereby extended for the period of two years from the expiration of the time allotted in the act entitled (1) "An act to provide for the removal of the Flathead and other Indians from the Bitterroot Valley, in the Territory of Montana," approved June fifth, eighteen hundred and seventy-two.

Settlers on, to have benefit of homestead laws.
R. S., §§ 2289, 2317.

SEC. 2. That the benefit of the homestead act is hereby extended to all the settlers on said lands who may desire to take advantage of the same. [*February* 11, 1874.]

NOTE.—(1) The time allotted by the act here referred to, 1872, ch. 308 (17 Stat. L., 226), was "within twenty-one months from the date of settlement, or of the passage of this act," which act was passed June 5, 1872.

CHAPTER 30.

AN ACT GRANTING CERTAIN SWAMP-LANDS IN HOLT COUNTY, MISSOURI, TO SAID HOLT COUNTY, FOR SCHOOL PURPOSES.

February 19, 1874.
18 Stat. L., 16.

SECTION
1. Lands granted to Holt County, Missouri, for school purposes.
2. — To be surveyed.
Rights of homestead and pre-emption settlers to be preserved.
Cost of surveying to be paid by county.

Be it enacted, &c.

Lands granted to Holt County, Missouri, for school purposes.

[SECTION 1], That all the tract of land embraced in what is known as Tarkio Lake, in Congressional Township, numbered sixty, of range thirty-nine, in the county of Holt, State of Missouri, and which was left unsurveyed at the time the Government of the United States had made a survey of the other lands in said township and county, and which was described on the plat of the survey of said lands as a meandering lake, be, and the same is hereby, granted to the said county of Holt, in the State of Missouri, for school purposes.

— to be surveyed.

SEC. 2. That the Commissioner of the General Land-Office is hereby directed to have said lands surveyed, and to cause to be executed to the said county of Holt, a patent for the same:

Rights of homestead and pre-emption settlers preserved.

Provided, That nothing in this act contained shall be so construed as to affect the rights of any person who may have in good faith gone upon said lands prior to January first, eighteen hundred and seventy-four, with the intent of pre-empting or homesteading the same; and the said county of Holt is hereby required to make a title to any such person to an amount of land not exceeding one hundred and sixty acres upon the payment to the county of one dollar and twenty-five cents per acre:

Cost of surveying to be paid by county.

And be it further provided, That all cost of surveying said lands shall be paid by said county of Holt. [*February* 19, 1874.]

CHAPTER 35.

AN ACT TO CHANGE THE TITLES OF CERTAIN NAVAL OFFICERS, AND FOR OTHER PURPOSES.

February 24, 1874.
18 Stat. L., 17.

SECTION
1. Assistant and passed assistant engineers in Navy: their title, &c.
2. Cadet-engineers, course of instruction of, at Naval Academy.

Be it enacted, &c.

Assistant and passed assistant en-

[SECTION 1], That from and after the passage of this act the title of first assistant engineer shall be changed to passed assistant engineer,

gineers in Navy: their title, &c. R. S., §§ 1390, 1394, 1476, 1556.

and that the title of second assistant engineer shall be changed to assistant engineer: *Provided*, That the regulations of the Navy Department in relation to the examinations and amount of sea-service previous to each examinations be complied with.

Cadet-engineers; course of instruction of, at Naval Academy. R. S., § 1524.

SEC. 2. That from and after the thirtieth day of June eighteen hundred and seventy-four, the course of instruction at the Naval Academy for cadet-engineers shall be four years, instead of two as now provided by law; and this provision shall first apply to the class of cadet-engineers entering the academy in the year eighteen hundred and seventy-four, and to all subsequent classes; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [*February* 24, 1874.]

CHAPTER 36.

February 24, 1874. 18 Stat. L., 18.

AN ACT TO WITHHOLD FROM SALE THE SITE OF THE OLD LIGHT-STATION AT NAYATT POINT

Site of old light-station at Nayatt Point reserved from sale.

Site of old light-station at Nayatt Point reserved from sale. R. S., § 4675.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to withhold from sale the site of the old light-station at Nayatt Point. [*February* 24, 1874.]

CHAPTER 43.

March 3, 1874. 18 Stat. L., 18.

AN ACT CREATING AN ADDITIONAL LAND DISTRICT IN THE TERRITORY OF NEW MEXICO.

SECTION
1. La Messilla land district in New Mexico; location of land-office.
2. Register and receiver of, and where to reside.

Be it enacted, &c.

La Messilla land district in New Mexico; location of land-office. R. S., § 2256, 2d Ed., p. 411.

[SECTION 1], That all that portion of the Territory of New Mexico lying south of the principal base line of said Territory shall constitute a separate land district, to be called the La Messilla land-district, the office of which shall be located at such place in said district as the President of the United States may direct, which may be changed from time to time as the public interest may require.

Register and receiver of, and where to reside. R. S., § 2234.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and receiver of public moneys for said district, and said officers shall reside in the place where said land-office is located, and they shall have the same powers, perform the same duties, and receive the same emoluments as are or may be prescribed by law in relation to land offices of the United States in other Territories [*March* 3, 1874.]

CHAPTER 44.

March 4, 1874. 18 Stat. L., 19.

AN ACT AUTHORIZING THE CHIEF CLERK OF THE WAR DEPARTMENT TO SIGN REQUISITIONS ON THE TREASURY DURING THE TEMPORARY ABSENCE OF THE SECRETARY OF WAR.

Secretary of War may authorize chief clerk to sign requisitions, &c., in his absence.

Secretary of War may authorize chief clerk to sign requisitions, &c., in his absence. R. S., §§ 177, 215, 179, 3673. 1877, Feb. 27, ch. 69, par. 2.

Be it enacted, &c., That when, from illness or other cause, the Secretary of War is temporarily absent from the War Department, he may authorize the chief clerk of the Department to sign requisitions upon the Treasury Department, and other papers requiring the signature of said Secretary; the same, when signed by the chief clerk during such temporary absence, to be of the same force and effect as if signed by the Secretary of War himself. [*March* 4, 1874.]

CHAPTER 46.

AN ACT TO AMEND THE FIFTEENTH SECTION OF AN ACT APPROVED JUNE EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-TWO, ENTITLED "AN ACT TO REVISE, CONSOLIDATE AND AMEND THE STATUTES RELATING TO THE POST-OFFICE DEPARTMENT."

March 5, 1874.
18 Stat. L., 19.

Oath to be taken by Postmaster-General and all persons in postal service. | Form of oath. Before what officer may be taken.

Be it enacted, &c., (1) That section fifteen of the act "to revise, consolidate and amend the statutes relating to the Post Office Department," approved June eighth, eighteen hundred and seventy-two, be amended to read as follows:

Oath to be taken by Postmaster General and all persons in postal service.

"SEC. 15. That before entering upon the duties, and before they shall receive any salary, the Postmaster General, and all persons employed in the postal service, shall respectively take and subscribe before some magistrate or other competent officer authorized to administer oaths by the laws of the United States, or of any State or Territory, the following oath or affirmation:

R. S., § 391.

"'I, A. B. do solemnly swear (or affirm, as the case may be,) that I will faithfully perform all the duties required of me and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control;

— form of.

"'And I also further swear (or affirm) that I will support the Constitution of the United States; so help me God.'

"And this oath or affirmation may be taken before any officer civil or military holding a commission under the United States, and such officer is hereby authorized to administer and certify such oath or affirmation." [*March* 5, 1874.]

— before what officer may be taken.
R. S., § 392.

NOTE.— (1) Section fifteen of the act of 1872, ch. 335 (17 Stat. L., 287), here referred to, is incorporated into the Revised Statutes in § 391.

CHAPTER 47.

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO DISCONTINUE THE USE OF THE CUTTER "RELIEF" AS A REVENUE CUTTER, AND USE SAID VESSEL FOR A BOARDING STATION IN MOBILE BAY.

March 5, 1874.
18 Stat. L., 20.

Secretary of the Treasury may use revenue-cutter Relief as a boarding station in district of Mobile.

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized to discontinue the use of the "Relief" as a revenue cutter, and to station said vessel in Mobile Bay for use as a boarding station for the customs officers of the district of Mobile, under such rules, regulations, and conditions as the Secretary of the Treasury may from time to time prescribe. [*March* 5, 1874.]

Sec'y of Treasury may use revenue-cutter "Relief" as a boarding station in district of Mobile.
R. S., § 2758.

CHAPTER 50.

AN ACT MAKING AN APPROPRIATION TO PAY THE OPERATORS OF THE GOVERNMENT TELEGRAPH CONNECTING THE DEPARTMENTS WITH THE TWO HOUSES OF CONGRESS.

March 7, 1874.
18 Stat. L., 20.

Telegraph between Capitol and Departments; how used.

Be it enacted, &c., * * *

That said lines of telegraph shall be for the use only of Senators, Members of Congress, Judges of the United States courts, and officers of Congress and of the Executive Departments, and solely on public business. [*March* 7, 1874.]

Telegraph between Capitol and Departments; how used.
1874, Feb. 4, ch. 22; June 23, ch. 461.

CHAPTER 55.

March 13, 1874.

18 Stat. L., 21.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO ENCOURAGE THE GROWTH OF TIMBER ON WESTERN PRAIRIES." (1)

SECTION
1. Persons planting and protecting for eight years, timber on the public lands, entitled to patents.
But only one quarter-section, and only one entry to be made, except, &c.
2. How to make entry for benefit of act.
Required to break and plant certain number of acres each year for three years.
Final certificate and patent, how issued after eight years.
In case of death of person after three years, heirs to have option of 40 acres at once or 160 acres at end of eight years.
3. Failing to cultivate and protect, or abandoning land before issue of patent, render same subject to entry under homestead laws.
4. Persons having homesteads on public land, cultivating one acre of timber for two years entitled to patent.
5. Lands not liable for debts contracted before issue of certificate.
6. Commissioner to make rules. Fees of registers and receivers.
7. Perjury, how punished.
8. Entries under former act may be completed.

Be it enacted, &c.

Persons planting and protecting for eight years, timber on the public lands, entitled to patents.
R. S., §§ 2317, 2464-2468.
1876, May 20, ch. 102.
1877, Mar. 3, ch. 127.
1878, June 3, ch. 152; June 14, ch. 190.
1880, May 14, ch. 89.

[SECTION 1], (**Sup.**) [That the act entitled (2) "An act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, be, and the same is hereby, amended so as to read as follows:

That any person who is the head of a family or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands of the United States, or twenty acres on any legal subdivision of eighty acres, or ten acres on any legal subdivision of forty acres, or one-fourth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses:

But only one quarter-section, and only one entry to be made, except, &c.

Provided, That not more than one-quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter-section.]

How to make entry, for benefit of act.
R. S., § 2465.

SEC. 2. (**Sup.**) [That the person applying for the benefit of this act shall, upon application to the register of the land-district in which he or she is about to make such entry, make affidavit before the register, or the receiver, or some officer authorized to administer oaths in the district where the land is situated, who is required by law to use an official seal, that said entry is made for the cultivation of timber, and upon filing said affidavit with said register and said receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified;

Required to break and plant certain number of acres each year for three years.

And the party making an entry of a quarter-section under the provisions of this act shall be required to break ten acres of the land covered thereby the first year, ten acres the second year, and twenty acres the third year after date of entry, and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year after date of entry. A party making an entry of eighty acres shall break and plant at the times hereinbefore prescribed, one-half of the quantity required of a party who enters a quarter-section, and a party entering forty acres shall break and plant, at the times hereinbefore prescribed, one-quarter of the quantity required of a party who enters a quarter-section, or a proportionate quantity for any smaller fractional subdivision:

Final certificate and patent, how

Provided, however, That no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from

NOTES.—(1) This whole act seems to be superseded by act of 1878, June 14, ch. 190.
(2) The act of 1873, ch. 227 (17 Stat. L., p. 605), is incorporated into Revised Statutes, in the sections noted in the margin.

the date of such entry; and, if at the expiration of such time, or at any time within five years thereafter, the person making such entry, or if he or she be dead, his or her heirs or legal representatives shall prove, by two credible witnesses, that he, or she, or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of timber as aforesaid, they shall receive a patent for such quarter-section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres, as herein provided.

issued after eight years.
R. S., § 2466.

And in case of the death of a person who has complied with the provisions of this act for the period of three years, his heirs or legal representatives shall have the option to comply with the provisions of this act, and receive, at the expiration of eight years, a patent for one hundred and sixty acres, or receive without delay a patent for forty acres, relinquishing all claim to the remainder.]

In case of death of person after three years, heirs to have option of 40 acres at once or 160 acres at end of eight years.

SEC. 3. (**Sup.**) [That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall abandon the land, or fail to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act:

Failing to cultivate and protect, or abandoning land, render same subject to entry under homestead laws.
R. S., § 2467.
1876, May 20, ch. 102.
1878, June 3, ch. 152. June 14, ch. 190.
1879, July 1, ch. 63, § 2.

Provided, That the party making claim to said land, either as a homestead settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land-Office, and the rights of the parties shall be determined as in other contested cases.]

SEC. 4. (**Sup.**) [That each and every person who, under the provisions of the act entitled (3) "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, or any amendment thereto, having a homestead on said public domain, who at any time after the end of the third year of his or her residence thereon shall, in addition to the settlement and improvements now required by law, have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good thrifty condition, for each and every sixteen acres of said homestead, shall, upon due proof of such fact by two credible witnesses receive his or her patent for said homestead.]

Persons having homesteads on public land, cultivating one acre of timber for two years entitled to patent.
R. S., §§ 2289–2290, 2300–2331.

SEC. 5. (**Sup.**) [That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of certificate therefor.]

Lands not liable for debts contracted before issue of certificate.
R. S., § 2468.

SEC. 6. (**Sup.**) [That the Commissioner of the General Land-Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect;

Commissioner to make rules.
R. S., § 453.

And that the registers and the receivers of the several land-offices shall each be entitled to receive two dollars at the time of entry, and the same sum when the claim is finally established and the final certificate issued.]

Fees of registers and receivers.
R. S., § 2238.

SEC. 7. (**Sup.**) [That the (4) fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.]

Perjury, how punished.
1857, ch. 116, § 5.
R. S., 5392.

SEC. 8. (**Sup.**) [That parties who have already made entries under the act approved March third, eighteen hundred and seventy-three, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act.] [*March* 13, 1874.]

Entries under former act may be completed.

NOTES.—(3) The act of 1862, ch. 75 (12 Stat. L., 392), is incorporated into Revised Statutes in the sections noted in the margin.

(4) Section 5 of the act of 1857, ch. 166 (11 Stat. L., 250), here referred to, appears to have been omitted from the Revised Statutes, but R. S. § 5392 may perhaps cover the cases, in whole or in part, to which the omitted section applied.

CHAPTER 57.

March 18, 1874.
18 Stat. L., 23.

AN ACT TO PROVIDE FOR THE ISSUING AND RECORDING OF COMMISSIONS TO POSTMASTERS APPOINTED BY THE PRESIDENT BY AND WITH THE ADVICE AND CONSENT OF THE SENATE.

Commissions of postmasters appointed by President; how to be made, sealed, and recorded.

Commissions of postmasters appointed by President; how to be made, sealed, and recorded.
R. S., §§ 1794, 3830.

Be it enacted, &c., That hereafter the commissions of all postmasters appointed by the President, by and with the advice and consent of the Senate, shall be made out and recorded in the Post Office Department, and shall be under the seal of said Department, and countersigned by the Postmaster General, any laws to the contrary notwithstanding:

Provided, That the said seal shall not be affixed to any such commission until after the same shall have been signed by the President of the United States. [*March* 18, 1874.]

CHAPTER 62.

March 23, 1874.
18 Stat. L., 23.

AN ACT TO AUTHORIZE THE PRESIDENT TO ACCEPT FOR CITIZENS OF THE UNITED STATES THE JURISDICTION OF CERTAIN TRIBUNALS IN THE OTTOMAN DOMINIONS, AND EGYPT, ESTABLISHED, OR TO BE ESTABLISHED, UNDER THE AUTHORITY OF THE SUBLIME PORTE, AND OF THE GOVERNMENT OF EGYPT.

SECTION
1. Jurisdiction of courts of Ottoman government and Egypt over citizens of United States may be accepted, and that of consular courts suspended, by President. Proclamation.
2. Law ceding right to foreigners to hold immovable property in Turkey may be accepted by President for citizens of United States. Proclamation.

Be it enacted, &c.

Jurisdiction of courts of Ottoman government and Egypt over citizens of United States may be accepted, and that of consular courts suspended, by President.
R. S., §§ 4083–4091, 4098–4121, 4125.
1878, June 14, ch. 193.
See proclamation 1876, No. 3, pp. 625, 626.

[SECTION 1], That whenever the President of the United States shall receive satisfactory information that the Ottoman government, or that of Egypt, has organized other tribunals on a basis likely to secure to citizens of the United States, in their dominions, the same impartial justice which they now enjoy there under the judicial functions exercised by the minister, consuls, and other functionaries of the United States, pursuant to the act of Congress approved the twenty-second of June, eighteen hundred and sixty, entitled (1) "An act to carry into effect provisions of the treaties between the United States, China, Persia, and other countries, giving certain judicial powers to ministers and consuls, or other functionaries of the United States in those countries, and for other purposes," he is hereby authorized to suspend the operations of said acts as to the dominions in which such tribunals may be organized, so far as the jurisdiction of said tribunals may embrace matters now cognizable by the minister, consuls, or other functionaries of the United States in said dominions, and to notify the government of the Sublime Porte, or that of Egypt, or either of them, that the United States, during such suspension will, as aforesaid accept for their citizens the jurisdiction of the tribunals aforesaid over citizens of the United States which has heretofore been exercised by the minister, consuls, or other functionaries of the United States. (2)

Law ceding right to foreigners to hold immovable property in Turkey may be accepted by President for citizens of United States.
See Procl. 1874, No. 10, p. 623.

SEC. 2. That the President is hereby authorized for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions. (3) [*March* 23, 1874.]

NOTES.—(1) The provisions of the act of 1860, ch. 179 (12 Stat. L., 72), here referred to, are incorporated into Revised Statutes in the several sections noted in the margin.

(2) The President issued his proclamation March 27, 1876, under this provision, suspending the jurisdiction of consular courts, as therein provided. See proclamation hereinafter printed, p. —.

(3) The President issued his proclamation under this section October 29, 1874, accepting the law of the Ottoman Porte ceding the right of foreigners possessing immovable property in the Turkish dominions, which with the protocol and law are hereinafter printed, p 623.

CHAPTER 64.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO PREVENT THE EXTERMINATION OF FUR-BEARING ANIMALS IN ALASKA," APPROVED JULY FIRST, EIGHTEEN HUNDRED AND SEVENTY.

March 24, 1874.
18 Stat. L., 24.

Secretary of Treasury to designate months for taking seals on Saint Paul and Saint George Islands, and number on each.

Be it enacted, &c., That the act entitled (1) "An act to prevent the extermination of fur-bearing animals in Alaska," approved July first, eighteen hundred and seventy, is hereby amended so as to authorize the Secretary of the Treasury, and he is hereby authorized, to designate the months in which fur-seals may be taken for their skins on the islands of Saint Paul and Saint George, in Alaska, and in the waters adjacent thereto, and the number to be taken on or about each island respectively. (2) [*March* 24, 1874.]

Sec'y of Treasury to designate months for taking seals on Saint Paul and Saint George Islands, and number on each.
R. S., §§ 1960–1972.

NOTES.—(1) The act of 1870, ch. 189 (16 Stat. L., 180), is incorporated into Revised Statutes in the sections referred to in the margin.
(2) The Secretary of the Treasury designated, under this act, the months of June, July, August (from the first to the fifteenth of said month), September, and October, as those in which fur-seals might be taken, and the number to be not more than ninety thousand on Saint Paul Island, and not more than ten thousand on Saint George Island per annum, and the agreement with the lessees of those islands was modified accordingly March 25, 1874.

CHAPTER 65.

AN ACT TO ESTABLISH BONDED WAREHOUSES FOR THE STORING AND CLEANSING OF RICE INTENDED FOR EXPORTATION.

March 24, 1874.
18 Stat. L., 24.

Bonded warehouses for storing, &c., imported rice; may be established at ports of entry.

Be it enacted, &c., That from and after the passage of this act importers' bonded warehouses, to be used for the storage and cleansing of imported rice intended for exportation to foreign countries, may be established at any port of entry in the United States, under such rules and regulations as the Secretary of the Treasury may prescribe. [*March* 24, 1874.]

Bonded warehouses for storing, &c., imported rice; may be established at ports of entry.
R. S., §§ 2954, 2961, 2971.

CHAPTER 70.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO WITHDRAW FROM SETTLEMENT AND SALE A CERTAIN SECTION OF LAND IN WYOMING TERRITORY," APPROVED MAY TWENTY-THIRD, EIGHTEEN HUNDRED AND SEVENTY-TWO.

March 26, 1874.
18 Stat. L., 25.

Certain lands in Laramie County, Wyoming, reserved for city of Cheyenne for reservoir.

Be it enacted, &c., That the first section of the act aforesaid be, and the same is hereby, amended so that it shall read as follows:

"*Be it enacted, &c.*, That the north half and the southeast quarter of section thirty, in township fourteen north, of range sixty-six west, of the public lands in Laramie County, Wyoming Territory, be, and the same is hereby, withdrawn from settlement and sale under existing laws, and reserved for the use of the city of Cheyenne, in said county, for the purpose of enabling the proper authorities of said city to construct and maintain on said land a reservoir of water for the supply of said city." [*March* 26, 1874.]

Certain lands in Laramie County, Wyoming, reserved for city of Cheyenne for reservoir.
1872, ch. 204, § 1 (17 Stat. L., 158).

CHAPTER 72.

March 28, 1874.
18 Stat. L., 25.

AN ACT TO APPROVE AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE DISTRICT OF COLUMBIA RELATING TO PARISHES OF THE PROTESTANT EPISCOPAL CHURCH.(1)

Approval of act of District of Columbia relating to Protestant Episcopal Churches.

Approval of act of District of Columbia relating to Protestant Episcopal Churches.

Be it enacted, &c., That the act of the legislative assembly of the District of Columbia entitled "An act for the relief of parishes of the Protestant Episcopal Church in the District of Columbia," approved June twenty-sixth, eighteen hundred and seventy-three, be, and the same is hereby, approved; and that all acts now in force in the District of Columbia, inconsistent therewith, be, and the same are hereby repealed. [*March* 28, 1874.]

NOTE.—(1) The act of the District legislature. here referred to, 1873, ch. 57, is as follows:
Be it enacted, &c.

Qualification for voting and holding office.

[SECTION 1], That in any parish of the Protestant Episcopal Church now existing in said District, or hereafter organized therein, residence within the limits of the parish shall no longer be prescribed as a qualification for voting at parish elections or other business meetings of the parish, or for holding office in the same; but any male member of the congregation above the age of twenty-one years may be admitted to vote at parish meetings, and shall be qualified to hold office in such parish, who shall own or lease a pew or part of a pew in the parish church, or, in case the pews are free, shall be a stated worshiper in the church, and who shall have been entered on the books of the parish, as required by existing law, and shall have complied with the other requirements of said law, or with such other conditions as a majority of the qualified voters of the parish may hereafter adopt at a parish meeting called for the purpose:

— in case of newly organized parishes.

Provided, That in the case of a newly organized parish all male members of any church or congregation in communion with the Protestant Episcopal Church in the District of Columbia, of full age and uniting in the organization of such new parish, shall be qualified to vote at the first election of vestrymen thereof.

Vestries not required to meet on stated days, &c.

SEC. 2. That hereafter vestries of the Protestant Episcopal Church shall not be obliged to meet on any stated days or at any particular place, but only at such times and places as they may find most convenient; and if any vacancy shall happen in vestries after their election, or any person elected a vestryman shall refuse to serve, then the other vestrymen shall have power to appoint a person or persons, as the case may be, to serve until the next succeeding election; and any parish, by a vote of the majority of its qualified voters may at any parish meeting provide that the wardens of such parish shall be elected in the same manner as vestrymen, and be members of the vestry; and vestries shall have power to make all rules and regulations respecting the temporal government and support of their respective parishes, not inconsistent with public law.

— vacancies in, how filled.

Warden, how may be elected.

Power of vestries.

Organization of existing vestries confirmed.

SEC. 3. That vestries now existing shall be regarded as legally constituted, notwithstanding irregularities in their election or defect of qualifications in the voters by whom they were elected, and are hereby confirmed in their offices until the period appointed by law for the next election of vestries.

Laws as to rights, &c., of associate rectors repealed.

SEC. 4. That all acts or parts of acts now in force in the District of Columbia respecting the right and privileges of associate rector in parishes of the Protestant Episcopal Church in said District be and the same are hereby repealed. [*June* 26, 1873.]

CHAPTER 80.

April 7, 1874.
18 Stat. L., 27.

AN ACT CONCERNING THE PRACTICE IN TERRITORIAL COURTS, AND APPEALS THEREFROM.

SECTION
1. In territorial courts, common-law and chancery jurisdiction need not be exercised separately; and codes, rules, &c., mingling same confirmed.
Right of trial by jury preserved.
SECTION
2. Appellate jurisdiction of Supreme Court of United States, how exercised.
Proceedings on appeal.
— in cases heretofore appealed and now pending.

Preamble.

Whereas, by the organic acts establishing several of the Territories of the United States, it is provided that certain courts thereof shall have common-law and chancery jurisdiction, and doubts have been entertained whether said jurisdictions must be exercised separately, or whether they may be exercised together in the same proceeding, and whether the codes and rules of practice adopted in said Territories which have authorized a mingling of said jurisdictions in the same proceeding, or a uniform course of proceeding in all cases legal and equitable, are repugnant to the said organic acts respectively: Therefore,

Be it enacted, &c.

In territorial courts, common-law and chancery jurisdiction need not be exercised separately; and codes, rules, &c., mingling same confirmed.
R. S., §§ 1866–1868, 1907, 1908.

[SECTION 1], That it shall not be necessary in any of the courts of the several Territories of the United States to exercise separately the common-law and chancery jurisdictions vested in said courts; and that the several codes and rules of practice adopted in said Territories respectively, in so far as they authorize a mingling of said jurisdictions or a uniform course of proceeding in all cases whether legal or equitable, be confirmed; and that all proceedings heretofore had or taken in said courts in conformity with said respective codes and rules of practice, so far as relates to the form and mode of proceeding, be, and the same are hereby, validated and confirmed:

Provided, That no party has been or shall be deprived of the right of trial by jury in cases cognizable at common-law. Right of trial by jury preserved.

SEC. 2. That the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said Territorial courts in cases of trial by jury shall be exercised by writ of error, and in all other cases by appeal according to such rules and regulations as to form and modes of proceeding as the said Supreme Court have prescribed or may hereafter prescribe: Appellate jurisdiction of Supreme Court of United States, how exercised. R. S., §§ 702, 703, 1909, 1911.

Provided, That an appeal, instead of the evidence at large, a statement of the facts of the case in the nature of a special verdict, and also the rulings of the court on the admission or rejection of evidence when excepted to, shall be made and certified by the court below, and transmitted to the Supreme Court together with the transcript of the proceedings and judgment or decree; but no appellate proceedings in said Supreme Court, heretofore taken upon any such judgment or decree, shall be invalidated by reason of being instituted by writ of error or by appeal: Proceedings on appeal. R. S., § 698. 99 U. S., 610.

And provided further, That the appellate court may make any order in any case heretofore appealed, which may be necessary to save the rights of the parties; and that this act shall not apply to cases now pending in the Supreme Court of the United States where the record has already been filed. [*April 7*, 1874.] — in cases heretofore appealed and now pending.

CHAPTER 96.

AN ACT TO ESTABLISH A RESERVATION FOR CERTAIN INDIANS IN THE TERRITORY OF MONTANA.

April 15, 1874.

18 Stat. L., 28.

Public land in Montana reserved for certain Indian tribes.

Be it enacted, &c., That the following described tract of country, in the Territory of Montana, be, and the same is hereby, set apart for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfoot, River Crow, and such other Indians as the President may, from time to time, see fit to locate thereon, viz: Public land in Montana reserved for certain Indian tribes. R. S., §§ 1903, 2127–2157.

Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri river; thence up and along the south bank of said river, to a point opposite the mouth of the Maria's river; thence along the main channel of the Maria's river to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along the summit of the Rocky Mountains to the northern boundary of Montana; thence along said northern boundary to the place of beginning. [*April 15*, 1874.]

CHAPTER 97.

AN ACT AUTHORIZING THE PAYMENT OF ANNUITIES INTO THE TREASURY OF THE SEMINOLE TRIBE OF INDIANS.

April 15, 1874.

18 Stat. L., 29.

Annuities, &c., to Seminole Indians, how paid and distributed. | School fund. Consent of tribe to be obtained.

Be it enacted, &c., That the Commissioner of Indian Affairs, with the sanction of the Secretary of the Interior and the President of the United States, in distributing and paying annuities, interest, or other moneys now due or hereafter to become due to the Seminole tribe of Indians under the provisions of the eighth article of the treaty between the Creek and Seminole Indians and the United States, concluded August seventh, eighteen hundred and fifty-six, shall be authorized to expend the same for such objects as will best promote the comfort, civilization, and im- Annuities, &c., to Seminole Indians, how paid and distributed. Treaty, Art. 8 (11 Stat. L., 702). R. S., §§ 2061, 2082.

provement of the Seminole Indians, or in his discretion, with the sanction of the Secretary and the President aforesaid, shall be authorized to pay such annuities or any part thereof into the treasury of the Seminole nation to be used as the council of the same shall provide, instead of paying the same per capita according to the terms of said treaty:

School fund.

Provided, That said agreement shall provide that the sum of five thousand dollars shall be annually appropriated out of said annuity to the school fund of said tribe:

Consent of tribe to be obtained.

And provided further, That the consent of said tribe to such expenditures and payment shall be first obtained. (1) [*April* 15, 1874.]

NOTE.—(1) The consent here required was given in writing and filed in the office of Indian Affairs April, 1879.

CHAPTER 98.

April 15, 1874.

18 Stat. L., 29.

AN ACT TO DONATE THE MILITARY RESERVATION AT FORT STEILACOOM TO THE TERRITORY OF WASHINGTON FOR THE USE OF THE INSANE ASYLUM.

Land in Fort Steilacoom granted to Washington Territory for insane asylum. | — saving vested rights of persons.

Land in Fort Steilacoom granted to Washington Territory for insane asylum.

Be it enacted, &c., That section thirty-three of township numbered twenty north, of range numbered two east of Willamette meridian, embracing a portion of Fort Steilacoom military reservation, and the military barracks thereon, in the county of Pierce, and the Territory of Washington, be, and the same is hereby, donated to the said Territory of Washington for the use and purpose of an asylum for the insane of said Territory, and for no other purpose:

— saving vested rights of persons.

Provided, That this act shall not be construed or have the effect to impair any rights of any person in or to any portion of said lands acquired under any of the land laws of the United States. [*April* 15, 1874.]

CHAPTER 99.

April 15, 1874.

18 Stat. L., 29.

AN ACT TO FORFEIT TO THE UNITED STATES CERTAIN LANDS GRANTED TO THE PLACERVILLE AND SACRAMENTO VALLEY RAILROAD COMPANY TO AID IN CONSTRUCTING A RAILROAD FROM THE TOWN OF FOLSOM TO THE TOWN OF PLACERVILLE, IN THE STATE OF CALIFORNIA.

Lands granted to Placerville and Sacramento Valley Railroad Company forfeited, and to be disposed of as public lands.

Lands granted to Placerville and Sacramento Valley Railroad Company forfeited, and to be disposed of as public lands.
1866, ch. 182 (14 Stat. L., 94–97).
1875, Mar. 3, ch. 193.

Be it enacted, &c., That all lands which were granted by Congress in the year eighteen hundred and sixty-six to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, and which have not been patented by the United States to said company under said grant which have expired by limitation, are hereby declared forfeited to the United States, and these lands shall hereafter be disposed of as other public lands of the United States. [*April* 15, 1874.]

CHAPTER 106.

April 17, 1874.

18 Stat. L., 30.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT RELATING TO THE ENROLLMENT AND LICENSE OF CERTAIN VESSELS."

Enrollment and license of vessels on western and northern waters, how may be issued or renewed in districts other than where owned.

Enrollment and license of vessels on western and northern waters, how may be issued or renewed in districts other than where owned.
R. S., § 4328.

Be it enacted, &c., That the provisions (1) of the act relating to the enrollment and license of vessels navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, approved February twenty-eighth, eighteen hundred and sixty-five, are hereby extended to include all vessels of the United States navigating the waters of the United States. [*April* 17, 1874.]

NOTE.—(1) The provisions of the act of 1865, ch. 69 (13 Stat. L., 444), here referred to, are incorporated into Revised Statutes in the section noted in the margin.

CHAPTER 107.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF CERTAIN ALIENS AS ENGINEERS AND PILOTS.

April 17, 1874.
18 Stat. L., 30.

Aliens, in certain cases, may be licensed as engineers and pilots to serve on steam-vessels.

Be it enacted, &c., That any alien who, in the manner provided for by law, has declared his intention to become a citizen of the United States, and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license, may be licensed, as if already naturalized, to serve as an engineer or pilot upon any steam-vessel subject to inspection under the provisions of the act entitled (1) "An act to provide for the better security of life on board of vessels propelled, in whole or in part, by steam, and for other purposes," approved February twenty-eighth, eighteen hundred and seventy-one. [*April* 17, 1874.]

Aliens, in certain cases, may be licensed as engineers and pilots to serve on steam-vessels.
R. S., §§ 4131, 4438, 4441, 4442.

NOTE.—(1) The provisions of the act of 1871, ch. 100 (16 Stat. L., 440), here referred to, are incorporated into the Revised Statutes in the sections noted in the margin.

CHAPTER 110.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT FOR ENROLLING AND LICENSING SHIPS OR VESSELS TO BE EMPLOYED IN THE COASTING TRADE AND FISHERIES, AND FOR REGULATING THE SAME," PASSED FEBRUARY EIGHTEEN, SEVENTEEN HUNDRED AND NINETY-THREE.

April 18, 1874.
18 Stat. L., 31.

Certain canal-boats exempt from enrollment and license, and from payment of customs fees.

Be it enacted, &c., (1) That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress. [*April* 18, 1874.]

Certain canal-boats exempt from enrollment and license, and from customs fees.
R. S., §§ 4220, 4311–4390.
15 Opin. Att'y Gen., 52.
16 Opin. Att'y Gen., 247.

NOTE.—(1) The provisions of the act of 1793, ch. 8 (1 Stat. L., 305), here referred to, are incorporated into Revised Statutes among the sections noted in the margin.

CHAPTER 111.

AN ACT TO SECURE TO THE DOMESTIC AND FOREIGN MISSIONARY SOCIETY OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES THE LAND IN THE WHITE EARTH INDIAN RESERVATION IN MINNESOTA, ON WHICH IS SITUATED THEIR CHURCH AND OTHER BUILDINGS.

April 18, 1874.
18 Stat. L., 31.

Land in White Earth Indian reservation in Minnesota granted for missionary and school purposes. | —on condition that estate shall cease when not so used.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, by and with the consent of the Mississippi bands of Chippewa Indians, to cause to be issued a patent to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States, for eighty acres of land, to embrace the church, parsonage and hospital, and such other buildings as may have been, or may, prior to the issue of such patent be, erected by and under the direction of said society on the White Earth Indian reservation in Minnesota, said land to be selected by the person acting under the authority of said society, and reported by the United States agent for the Chippewa Indians in Minnesota, through the Office of Indian Affairs, to the Secretary of the Interior:

Land in White Earth Indian reservation in Minnesota granted for missionary and school purposes.

Provided, That the estate to be conveyed to said society shall cease and be determined when the land and the erections thereon shall no longer be occupied and used by said society for missionary and school purposes. [*April* 18, 1874.]

—on condition that estate shall cease when not so used.

CHAPTER 117.

April 20, 1874.
18 Stat. L., 33.

AN ACT TO PROVIDE FOR THE INSPECTION OF THE DISBURSEMENTS OF APPROPRIATIONS MADE BY OFFICERS OF THE ARMY.

SECTION
1. Secretary of War to make frequent inquiries as to necessity, economy, &c., of disbursements by Army officers, and as to their accounts, &c.
SECTION
2. —Secretary of War to report thereon to Congress annually.

Be it enacted, &c.

Secretary of War to make frequent inquiries as to necessity, economy, &c., of disbursements by Army officers, &c.
R. S., § 216.

[SECTION 1], That it shall be the duty of the Secretary of War to cause frequent inquiries to be made as to the necessity, economy, and propriety of all disbursements made by disbursing officers of the Army, and as to their strict conformity to the law appropriating the money; also to ascertain whether the disbursing officers of the Army comply with the law in keeping their accounts and making their deposits; such inquiries to be made by officers of the inspection department of the Army, or others detailed for that purpose:

Provided, That no officer so detailed shall be in any way connected with the department or corps making the disbursement.

—to report thereon to Congress annually.
R. S., § 228.

SEC. 2. That the reports of such inspections shall be made out and forwarded to Congress with the annual report of the Secretary of War. [*April* 20, 1874.]

CHAPTER 127.

April 24, 1874.
18 Stat. L., 34.

AN ACT TO ESTABLISH THE BISMARCK LAND DISTRICT IN THE TERRITORY OF DAKOTA.

SECTION
1. Bismarck land district in Dakota and land-office therein.
SECTION
2. —receiver and register of.

Be it enacted, &c.

Bismarck land district in Dakota, and land office therein.
R. S., § 2256, 2d ed., p. 411.

[SECTION 1], That all that portion of Dakota Territory lying north of the seventh standard parallel and west of the ninth guide-meridian be, and the same is hereby, created into a separate land district, to be known as the Bismarck district; and the land office for said district shall be located at the town of Bismarck, where the North Pacific Railroad intersects the Missouri River.

— register and receiver of.
R. S., §§ 2234–2247.

SEC. 2. That a register and a receiver shall be appointed for said district land office, who shall be governed by the same laws and receive the same compensation as prescribed for similar officers in the other land districts of said Territory. [*April* 24, 1874.]

CHAPTER 135.

April 29, 1874.
18 Stat. L., 35.

AN ACT RELATIVE TO PRIVATE CONTRACTS OR AGREEMENTS MADE WITH INDIANS PRIOR TO MAY TWENTY-FIRST, EIGHTEEN HUNDRED AND SEVENTY-TWO.

SECTION
1. Contracts with Indians prior to May 21, 1872, not to be recognized by public officers, except in cases specified.
2. —statement of facts concerning, to be filed in Commissioner's office.
3. —additional facts and proofs may be required.
4. Secretary of Interior to determine contracts just, &c., before they can be recognized.
SECTION
—Secretary of Interior to enter of record his official statement.
—may reject any contract as exorbitant or fraudulent.
5. —to cause investigation to be made of existing contracts, &c.
Commissioner may be appointed to make investigations.

Be it enacted, &c.

Contracts with Indians prior to May 21, 1872, not to be recognized by public officers, except in cases specified.
R. S., §§ 2103, 2104, 2106.

[SECTION 1], That hereafter it shall not be lawful for any United States officer, or other person under its employ or control, to recognize the binding force or legality, or in any manner sustain or enforce or counsel, or give any aid or assistance to sustain or enforce, any contract or agreement made by any person or persons, or corporation, with any band, tribe, or nation of Indians, or individual Indian or Indians, not

a citizen of the United States, entered into prior to the date of the act of Congress entitled (1) "An act regulating the mode of making private contracts with Indians," approved May twenty-first, eighteen hundred and seventy-two, for the payment or delivery of any money or other thing of value, in present or prospective, or for the granting or procuring any privilege to him or her, or any other person or persons, or corporation, in consideration of services for, or advancements made to, said Indians relative to their lands, or to any claim growing out of or in reference to annuities, instalments, or other moneys, claims, demand, or thing under laws or treaties with the United States, or official acts of any officer thereof, or in any way connected with or due from the United States, unless such contract or agreement was reduced to writing and duly signed by the parties in interest thereto at the time it was entered into and fully made known to the parties at the time the contract was signed, and then not until such original written contract shall first have been presented to and examined by the Secretary of the Interior and the Commissioner of Indian Affairs, and these facts by them severally endorsed thereon, and a copy of said contract and of any assignments that may have been made thereon duly entered of record in the office of the Commissioner of Indian Affairs.

—statements of facts concerning, to be filed in Commissioner's office.

SEC. 2. That in addition thereto there shall also be filed in said Commissioner's office, and retained therein as official papers, and be examined by said Commissioner and Secretary, and that fact indorsed on them, the following statement of facts touching each and all such contracts and agreements so presented; which statements shall be sworn to specially by all and severally the person or persons claiming interest in and seeking the support and enforcement of such contract or agreement, and not by agent or attorney:

First, that the writing presented for examination and record, as provided for in the first section of this act, and purporting to be the original contract or agreement, is in fact such, and that it was entered into and reduced to writing at the date and for the purposes it purports to have been made and executed;

Secondly, such sworn statement shall give particularly the names of the real parties in interest in the original contract or agreement, naming them if not named in the written contract or agreement, and if either of the contracting parties is a band, tribe, or nation of Indians, or a corporation or firm, the name of the person, officer, or agent contracting in their behalf, together with his authority for so doing, shall be specially stated;

Thirdly, a particular statement of all and singular the services rendered or the thing or things done under such contract or agreement prior to said filing, with those things to be done or rendered, together with a particular statement of any and all moneys paid or advanced by either party under such contract or agreement, giving in all cases the time, place, and real value of services rendered, or thing or things done, or the kind and manner of payment, whether in money, property, or credits, up to the date of the filing of the said sworn statement;

Fourthly, state specifically whether the original contract or agreement had been submitted to any Secretary of the Interior, Commissioner of Indian Affairs, superintendent of Indian affairs, Indian agent, commissioner, or other person having official control of or connection with Indian affairs, giving the time when, place where, and person by name to whom such submission was made, and whether by said officer indorsed or not, or whether any such officer was cognizant of such contract or agreement having been made, though not submitted to him for approval.

—additional facts and proofs may be required.

SEC. 3. That the Secretary or Commissioner of Indian Affairs is hereby empowered to require, in writing, any additional facts or proofs that may be necessary to aid in determining the true character of the contract or agreement, or assignment thereof.

Secretary of Interior to determine contracts just, &c., before they can be recognized.

SEC. 4. That no such contract or agreement shall be recognized by any officer or employee of the United States until the Secretary of the Interior shall, after full consideration of any such contract or agreement, together with the proofs and papers in this act required to be filed, and such as the Secretary of the Interior or Commissioner of Indian Affairs may require in addition thereto, the Secretary of the Interior shall consider to be just and reasonable, and not tainted with fraud, and not exorbitant in its demands:

NOTE.—(1) The provisions of the act of 1872, ch. 177 (17 Stat. L., p. 136), here referred to, are incorporated into Revised Statutes in the sections noted in the margin.

Secretary of Interior to enter of record his official statement.

Provided, That the Secretary of the Interior shall in all cases enter, in writing, on such original contract, on the record in the office of the Commissioner of Indian Affairs wherein such original contract is recorded, an official statement, showing that the contract or agreement and proofs have been filed in accordance with the provisions of this act and considered by him, and in his opinion said contract or agreement or assignments thereof are not exorbitant and not fraudulent, and that they are just, the same shall be valid.

—may reject any contract as exorbitant or fraudulent.

But if, in the opinion of the Secretary of the Interior, such contract or agreement, or the assignment thereof, is fraudulent or exorbitant, he shall officially enter his rejection, in writing, upon the record of such contract or agreement, and they shall not be considered of binding force by any officer or employee of the United States.

— to cause investigation to be made of existing contracts, &c.

SEC. 5. That it is hereby made the duty of the Secretary of the Interior to cause an investigation to be made of all existing contracts or agreements, within the purview of this act, now on file in his office, or of the office of the Commissioner of Indian Affairs, or any other office or bureau under his control, and by special notice to the party or parties in interest compel, in the case of each such contract or agreement so found on file, the same strictness of official examination, and indorsement, record and sworn statement of fact, as is required by the several provisions of this act:

Commissioner may be appointed to make investigations.

Provided, That the investigation of facts touching the character of any contract or agreement contemplated by this act may be made by a commissioner appointed by the President for that purpose, who shall report all such facts to the Secretary of the Interior in writing. [*April* 29, 1874.]

CHAPTER 136.

April 29, 1874.

18 Stat. L., 36.

AN ACT TO RATIFY AN AGREEMENT WITH CERTAIN UTE INDIANS IN COLORADO, AND TO MAKE AN APPROPRIATION FOR CARRYING OUT THE SAME.

SECTION
1. Articles of agreement with the Ute Indians in Colorado.
Preamble.
Art. 1. Indians release certain lands; Uncompagre Park reserved.
Art. 2. Indians permitted to hunt.
Art. 3. —annuity to be distributed, or invested for.
Art. 4. Indian agency established.
Art. 5. Provisions of treaty reaffirmed.
Art. 6. Salary of Ouray, chief of Ute Nation.
Art. 7. Agreement subject to ratification.
2. Bonds to be issued and held for payment of annuity, &c.
3. Appropriation for payment of salary to Chief Ouray.

Articles of agreement with Ute Indians in Colorado.

Be it enacted &c.

Ratified again 1880, June 15, ch. 223.

[SECTION 1], That a certain agreement made by Felix R. Brunot, commissioner on the part of the United States, with certain Ute Indians in Colorado, be, and the same is hereby, ratified and confirmed. Said agreement is in words and figures following, namely:

Articles of convention made and entered into at the Los Pinos agency for the Ute Indians, on the thirteenth day of September, eighteen hundred and seventy-three, by and between Felix R. Brunot, commissioner in behalf of the United States, and the chiefs, head men, and men of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, witnesseth:

Preamble.

Treaty (15 Stat. L., 619).

1872, ch. 115 (17 Stat. L., 55).

That whereas a treaty was made with the confederated bands of the Ute Nation on the second day of March, eighteen hundred and sixty-eight, and proclaimed by the President of the United States on the sixth day of November, eighteen hundred and sixty-eight, the second article of which defines by certain lines the limits of a reservation to be owned and occupied by the Ute Indians; and whereas by act of Congress approved April twenty three, eighteen hundred and seventy-two, the Secretary of the Interior was authorized and empowered to enter into negotiations with the Ute Indians in Colorado

for the extinguishment of their right to a certain portion of said reservation, and a commission was appointed on the first day of July, eighteen hundred and seventy-two, to conduct said negotiation; and whereas said negotiation having failed, owing to the refusal of said Indians to relinquish their right to any portion of said reservation, a new commission was appointed by the Secretary of the Interior, by letter of June second, eighteen hundred and seventy-three, to conduct said negotiation:

Now, therefore, Felix R. Brunot, commissioner in behalf of the United States, and the chiefs and people of the Tabequache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uintah, the confederated bands of the Ute Nation, do enter into the following agreement:

Ute Indians release certain lands.

Article I. The confederated band of the Ute Nation hereby relinquish to the United States all right, title, and claim and interest in and to the following described portion of the reservation heretofore conveyed to them by the United States, viz: Beginning at a point on the eastern boundary of said reservation fifteen miles due north of the southern boundary of the Territory of Colorado, and running thence west on a line parallel to the said southern boundary to a point on said line twenty miles due east of the western boundary of Colorado Territory; thence north by a line parallel with the western boundary to a point ten miles north of the point where said line intersects the thirty-eighth parallel of north latitude; thence east to the eastern boundary of the Ute reservation; thence south along said boundary to the place of beginning:

Uncopagre Park reserved.

Provided, That if any part of the Uncopagre Park shall be found to extend south of the north line of said described country, the same is not intended to be included therein, and is hereby reserved and retained as a portion of the Ute reservation.

Indians permitted to hunt.

Article II. The United States shall permit the Ute Indians to hunt upon said lands so long as the game lasts and the Indians are at peace with the white people.

— annuity to be disbursed or invested for. *Reaffirmed* 1880, June 15, ch. 223.

Article III. The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money, or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever.

— agency for, to be established.

Article IV. The United States agrees, so soon as the President may deem it necessary or expedient, to erect proper buildings and establish an agency for the Weeminuche, Muache, and Capote bands of Ute Indians at some suitable point, to be hereafter selected, on the southern part of the Ute reservation.

Provisions of treaty of, reaffirmed. *See Treaty* (15 Stat. L., 619).

Article V. All the provisions of the treaty of eighteen hundred and sixty-eight not altered by this agreement shall continue in force; and the following words, from article two of said treaty, viz,

"The United States now solemnly agrees that no persons except those herein authorized to do so, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided," are hereby expressly re-affirmed, except so far as they applied to the country herein relinquished.

Salary of Ouray, chief of Ute Nation.

Article VI. In consideration of the services of Ouray, head chief of the Ute Nation, he shall receive a salary of one thousand dollars per annum for the term of ten years, or so long as he shall remain head chief of the Utes and at peace with the people of the United States.

Subject to ratification.

Article VII. This agreement is subject to ratification or rejection by the Congress of the United States and of the President. (1)

Bonds to be issued and held for

SEC. 2. That the Secretary of the Treasury shall issue, set apart, and hold, as a perpetual fund, in trust for the Ute Indians, a sufficient

NOTE.—(1) This agreement is signed and sealed by the Commissioner of the United States and by 254 Indians.

payment of annuity, &c.

amount of five-per-centum bonds of the United States, the interest on which shall be twenty-five thousand dollars per annum; which interest shall be paid annually, as the President of the United States may direct, for the benefit of said Indians.

Appropriation for payment of salary to Chief Ouray.

SEC. 3. That the Secretary of the Treasury shall cause to be paid to Ouray one thousand dollars, as the first installment due him annually, so long as he shall be chief of said Ute Indians; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, one thousand dollars for that purpose. [*April* 29, 1874.]

CHAPTER 137.

April 29, 1874.

18 Stat. L., 41.

AN ACT FOR THE RELIEF OF SETTLERS ON THE CHEROKEE STRIP IN KANSAS.

Time of making proof of settlement, &c., for Cherokee lands extended to January 1, 1875. | Rights not forfeited. Interest to be paid.

Time of making proof of settlement, &c., for Cherokee lands extended to Jan. 1, 1875.

1872, ch. 157, § 2 (17 S. L., 98).

Treaty (14 S. L., 799).

Be it enacted, &c., That all persons who, by the provisions of the second section of the act entitled "An act to carry out certain provisions of the Cherokee treaty of eighteen hundred and sixty-six, and for the relief of settlers on the Cherokee lands in the State of Kansas," approved May eleventh, eighteen hundred and seventy-two, who have become entitled at any time to enter and purchase any portion of the lands mentioned in said act, but who have failed to make proof of settlement, entry, and payment within the times provided by said act, shall have and be allowed additional time within which to make such proof of settlement, entry, and payment to the first day of January, eighteen hundred and seventy-five;

Rights not forfeited.

And no forfeiture of any rights of such persons shall be had or have effect by reason of failure heretofore to make such proof of settlement, entry, and payment within the time provided by said act, anything in the said act to the contrary notwithstanding;

Interest to be paid.

And all persons availing themselves of the provisions of this act shall, at the time of entry and payment, pay interest on the purchase money of their lands at the rate of five per centum per annum from the time at which such payments should have been made by the terms of the aforesaid act to the time that payment shall be made. [*April* 29, 1874.]

CHAPTER 149.

May 7, 1874.

18 Stat. L., 42.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO REGULATE THE CARRIAGE OF PASSENGERS IN STEAMSHIPS AND OTHER VESSELS," APPROVED MARCH THREE, EIGHTEEN HUNDRED AND FIFTY-FIVE.

Collectors of customs to make returns to Secretary of Treasury of lists of passengers arriving in vessels.

Collectors of customs to make returns to Secretary of Treasury of lists of passengers arriving in vessels.

R. S., § 208, par. 6.

R. S., §§ 4266, 4267.

Be it enacted, &c., That the thirteenth section (1) of the act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March third, eighteen hundred and fifty-five, be, and the same is hereby, repealed; and that hereafter each and every collector of customs to whom shall be delivered the manifests or lists of passengers prescribed by the twelfth section of the act aforesaid, approved March third, eighteen hundred and fifty-five, shall make returns from such manifests or lists of passengers to the Secretary of the Treasury of the United States, in such manner as shall be prescribed by that officer, under whose direction statements of the same shall be prepared and published. [*May* 7, 1874.]

NOTE.—(1) Section thirteen of the act of 1855, ch. 213 (10 Stat. L., 719), here referred to, is incorporated into the Revised Statutes, where it constitutes section 4267 and the sixth paragraph of section 208, which seem to be superseded or repealed by this act.

CHAPTER 154.

May 8, 1874.
18 Stat. L., 43.

AN ACT TO AMEND THE THIRTY-FIRST SECTION (1) OF AN ACT ENTITLED "AN ACT FOR ENROLLING AND CALLING OUT THE NATIONAL MILITIA, AND FOR OTHER PURPOSES," APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SIXTY-THREE.

Army officers on duty west of Omaha may have certain leaves of absence without deduction of pay.

Be it enacted, &c., That all officers on duty at any point west of a line drawn north and south through Omaha City, and north of a line drawn east and west upon the southern boundary of Arizona, shall be allowed sixty days' leave of absence without deduction of pay or allowances:

Army officers on duty west of Omaha may have certain leaves of absence without deduction of pay.
R. S., § 1265.
1876, July 29, ch. 239.

Provided, That the same is taken but once in two years:

And provided further, That the leave of absence may be extended to three months if taken once only in three years; or four months, if taken once only in four years. [*May* 8, 1874.]

NOTE.—(1) Section thirty-one of the act of 1863, ch. 75 (12 Stat. L., 736), here referred to, is incorporated into Revised Statutes in section 1265, noted in the margin.

CHAPTER 165.

May 11, 1874.
18 Stat. L., 43.

AN ACT PROVIDING FOR THE PAYMENT OF THE BONDS OF THE LOUISVILLE AND PORTLAND CANAL COMPANY.

SECTION
1. Louisville and Portland Canal; appropriation to pay debts of, made permanent.
— bonds of, may be purchased by Secretary of Treasury.
2. Secretary of War to take possession of canal.
Secretary of Treasury to pay directors for their stock, to have accounts examined, and to collect debts due company.
— to give notice that debts of company be presented.
Secretary of Treasury to audit and allow debts and report to Congress.
— not to pay city or State taxes.
3. Canal to be free of toll, except, &c.
Rates of toll, how fixed.
Secretary of War to provide for management and repair of canal, make report, &c.
4. Trustees in mortgage to secure bondholders; how may enforce lien.
Attorney-General to appear in case, &c.

Be it enacted, &c.

Louisville and Portland Canal, appropriation to pay debts of, made permanent.
1873, ch. 233 (17 S. L., 563).
R. S., § 5255.

[SECTION 1], That the appropriations made by the act approved March third, eighteen hundred and seventy-three, entitled (1) "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force, and are made permanently applicable to the payment of the debts of the said Louisville and Portland Canal Company; and so much as may be necessary shall be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of said company as they mature:

— bonds of, may be purchased by Secretary of Treasury.

Provided, however, That the Secretary of the Treasury may purchase and pay for any of said bonds, at the market price, not above par, whenever he deems it for the interest of the United States.

Secretary of War to take possession of canal.
R. S., § 5255.

SEC. 2. That after thirty days from the passage of this act the Secretary of War is hereby authorized and directed to take possession of the said Louisville and Portland Canal, and all the property, real and personal, of said company, as the property of the United States, as provided for by the act of the general assembly of the State of Kentucky, approved February twenty-second, eighteen hundred and forty-four, entitled "An act to amend an act entitled 'An act to amend the charter of the Louisville and Portland Canal Company,' approved January twenty-first, eighteen hundred and forty-two," conceding jurisdiction over said canal to the United States, subject however, to the mortgage-lien on said property in favor of the trustees under said mortgage and the holders of the bonds issued under it;

Secretary of Treasury to pay di-

And the Secretary of the Treasury is hereby authorized to pay the

NOTE.—(1) The act of 1873, ch. 233 (17 Stat. L., 563), here referred to, authorized the Secretary of the Treasury to assume control of the canal, as the provision now stands in Revised Statutes, § 5255, and provided that "the sum of money necessary to enable the Secretary of the Treasury to carry this provision into effect is hereby appropriated."

rectors for their stock, to have accounts examined; and to collect debts due company.

directors of said company for the stock held by them, which payment shall be made forthwith by the Secretary of the Treasury, being the sum of one hundred dollars to each director, with interest thereon at six per centum per annum since the ninth day of February, eighteen hundred and sixty-four; and he is authorized and directed to cause a careful and full examination of all the receipts and disbursements of the said company to be made, and to collect, and, if necessary, to sue for, any money due to or held for the said company by the directors of said company, or the trustees under said mortgage, or by any person whatever.

Secretary of Treasury to give notice that debts of company be presented by July 1, 1875, &c.

And said Secretary of the Treasury is hereby directed and empowered, immediately upon the passage of this act to give public notice in such manner as, in his judgment, will best effect the purpose, to all persons and corporations having debts of any nature against said Louisville and Portland Canal Company, except the bonded debt thereof, to present them to him on or before the first day of July, eighteen hundred and seventy-five; and any such debt not presented on or before said day shall be forever barred.

—to audit and allow debts of company and report to Congress.

And said Secretary is hereby directed and authorized to examine, audit, and, in his discretion, allow such debts, or any of them, being hereby vested with any power necessary to that end; and he shall embrace his action in the premises in his succeeding annual report:

—not to pay city or State taxes.

Provided, however, That no sum of money shall be paid by the Secretary of the Treasury on account of any claim for either city or State taxes assessed, or to be hereafter assessed, against said company, or against the said canal property, or any of its appendages.

Canal to be free of toll, except to pay expenses, &c. 1880, May 18, ch. 95.

SEC. 3. That the said canal and property appertaining thereto shall be held for the common use and benefit of the people of the United States, free of all tolls and charges except such as are necessary to pay the current expenses of said canal, and to keep the same in repair; and for the present year they shall be at the rate of ten cents per ton capacity on vessels propelled by steam and five cents per ton on other vessels;

Rates of toll, how fixed.

And to ascertain what rates will pay current expenses after the present year, the Secretary of War shall, on the first Monday of January of each year, ascertain from the expenses of the previous year what tolls will probably pay the expenses of the current year; and he shall fix and declare the rate of tolls thus ascertained to be charged for the current year;

Secretary of War to provide for management and repair of canal, make report, &c.

And, until otherwise provided by law, the Secretary of War shall provide for the superintendence, management, and repair of said canal, and may apply the tolls so received, as far as may be necessary, to pay the current expenses of said canal; and he shall, in his next annual report, set forth such receipts and expenditures and the condition of said canal with a view to such legislation as may be necessary for the superintendence and management thereof; but no expenditure nor contract for expenditure of money shall be made under the authority of this section in any one year to an amount greater than the amount which may be received during such year from tolls on said canal.

Trustees in mortgage to secure bondholders, how may enforce lien.

SEC. 4. That if at any time it become necessary to enforce the lien of the mortgage upon said canal property for the benefit of the bondholders, it shall be lawful for the trustees named in said mortgage, or any other trustees who may be appointed in pursuance of the laws of Kentucky, to commence proceedings therein in any court having jurisdiction thereof, with notice to the United States as terre tenant pro forma, and serve process upon any officer of the United States who shall have the superintendence of said canal, whose duty it shall be to notify the Attorney-General of the United States of such service;

Attorney-General to appear in case, &c.

Whereupon said Attorney-General shall enter an appearance in said case, and take all necessary steps to represent and defend the interests of the United States in such proceedings, so that the same may be conducted in the same manner and with the like effect as if the said Louisville and Portland Company were still in existence as a corporation. [*May* 11, 1874.]

CHAPTER 168.

AN ACT TO ESTABLISH AN ASSAY-OFFICE AT HELENA, IN THE TERRITORY OF MONTANA.

May 12, 1874.

18 Stat. L., 45.

SECTION
1. Assay-office at Helena, Montana, established.
SECTION
2. — building for, to be constructed.

Be it enacted, &c.

Assay-office at Helena, Montana, established. R. S., § 3495.

[SECTION 1], That the Secretary of the Treasury is hereby authorized and required to establish an assay-office at Helena, in the Territory of Montana, the said assay-office to be conducted under the provisions of the act entitled (1) "An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States," approved February twelfth, eighteen hundred and seventy-three.

— building for, to be constructed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause to be constructed a suitable building at Helena, in the Territory of Montana, for the purpose of said assay-office, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding fifty thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*May* 12, 1874.]

NOTE.—(1) The provisions of the act of 1873, ch. 131 (17[Stat. L., 424), here referred to, are incorporated into Revised Statutes in §§ 3495–3570.

CHAPTER 176.

AN ACT GIVING THE ASSENT OF CONGRESS FOR THE IMPROVEMENT OF THE WOLF RIVER ACROSS THE MENOMONEE INDIAN RESERVATION, IN THE STATE OF WISCONSIN.

May 15, 1874.

18 Stat. L., 46.

Wolf River may be improved to run logs across Indian reservation.
Damages, how awarded.
River may be used by Indians and others for running logs, under charges regulated by Wisconsin.
Act may be altered.

Be it enacted, &c., That the assent of Congress be, and hereby is, given to the Keshena Improvement Company, a corporation organized under the laws of the State of Wisconsin, to improve the Wolf River, so as to run logs down said river, across the Menomonee Indian reservation, in accordance with the laws of said State:

Wolf River may be improved so as to run logs across Indian reservation.

Provided, That any damages which may be caused on account of such improvements shall be awarded as in all other cases under the laws of the State of Wisconsin, and the amount be paid into the Treasury of the United States for the benefit of said Indians;

Damages, how awarded.

And said Indians and all other persons shall be permitted to use said river for the purpose of running logs, as contemplated by this act; and the charges for said privilege shall be regulated by the legislature of the State of Wisconsin:

River may be used by Indians and others for running logs, under charges regulated by Wisconsin.

Provided, further, That all privileges under this act may be altered or revoked by Congress. [*May* 15, 1874.]

Act may be altered, &c.

CHAPTER 180.

AN ACT GRANTING A PORTION OF THE UNITED STATES MILITARY RESERVATION AT SALT LAKE CITY FOR CEMETERY PURPOSES.

May 16, 1874.

18 Stat. L., 46.

Public cemetery to be laid out on military reservation, near Salt Lake City, Utah.
— part of, for use of religious denominations.
— part as potter's field.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to set apart a tract of land, not exceeding twenty acres in extent, in the United States military reservation of Camp Douglas, near Salt Lake City, in the Territory of Utah, to be used as a public cemetery, under such rules and regulations as he shall establish for the protection, care, and management of such cemetery. And he shall cause

Public cemetery to be laid out on military reservation near Salt Lake City, Utah.

the same to be laid off and platted in convenient and suitable lots, which shall be forever devoted for the purpose of the burial of the dead.

Cemetery: part of, for use of religious denominations.

And he may set apart forever to each of the religious denominations organized in Salt Lake City which shall file with him proof of their organization a lot not to exceed one acre in size, and of convenient shape, which such denominations may inclose and ornament as they see fit, to be used for the purposes of burial;

—part as a potter's field.

And two acres shall be reserved as a "potter's field," or common burying ground, which may be inclosed and ornamented by the authority of the said city. [*May* 16, 1874.]

CHAPTER 182.

May 18, 1874.

18 Stat. L., 47.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE FORT RANDALL MILITARY RESERVATION.

SECTION

1. Fort Randall military reservation, in Dakota, in part transferred to Interior Department.
2. Certain settlers to have patents.
3. —to be paid for improvements.
—not to be paid for improvements restored to them.

Be it enacted, &c.

Fort Randall military reservation, in Dakota, in part transferred to Interior Department.

[SECTION 1], That the Secretary of War be, and he is hereby, authorized to transfer to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June fourteenth, eighteen hundred and sixty, setting apart the reservation for military purposes, and, further, such portions of the said reservation as were released from military occupation and control between the years eighteen hundred and sixty-seven and eighteen hundred and seventy, and were during that time settled upon in good faith and in the belief that the lands were open to settlement.

Certain settlers to have patents.

SEC. 2. That the Secretary of the Interior be authorized to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the aforesaid settlers may be entitled to under existing laws and the provisions of this act.

—to be paid for improvements.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose, at Fort Randall, under instructions from the War Department, dated March third, eighteen hundred and seventy-one:

—not to be paid for improvements restored to them.

Provided, That in case any improvements, or portion thereof, shall have been restored or delivered to any settler, after the appraisement of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements, or portion thereof, so restored or delivered to him. [*May* 18, 1874.]

CHAPTER 186.

May 21, 1874.

18 Stat. L., 48.

AN ACT TO AMEND AN ACT ENTITLED (1) "AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A MILITARY PRISON AND FOR ITS GOVERNMENT," APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-THREE.

Military prison to be at Fort Leavenworth, Kansas, instead of Rock Island.

Military prison to be at Fort Leavenworth, Kansas,

Be it enacted, &c., That said act be, and the same is hereby, so amended that all acts and things therein required to be done and performed at Rock Island, in the State of Illinois, shall be done and performed on

NOTE.—(1) The act of 1873, ch. 249 (17 Stat. L., 582), here referred to, is incorporated into Revised Statutes in the sections noted in the margin

the military reservation at Fort Leavenworth in the State of Kansas: instead of at Rock Island.
Provided, That the Government buildings now on said military reservation at Fort Leavenworth shall be modified and used so far as practicable for the purposes of said prison. [*May* 21, 1874.] R. S., §§ 1344-1361.

CHAPTER 200.

AN ACT FOR THE BENEFIT OF OCCUPYING CLAIMANTS.

June 1, 1874.
18 Stat. L., 50.

Occupants of land under color of title, adjudged invalid, to have remedies, in Federal courts, for improvements.

Occupants of land under color of title adjudged invalid, to have remedies, in Federal courts, for improvements. R. S., § 721.

Be it enacted, &c., That when an occupant of land, having color of title, in good faith has made valuable improvements thereon, and is, in the proper action, found not to be the rightful owner thereof, such occupant shall be entitled in the Federal courts to all the rights and remedies, and, upon instituting the proper proceedings, such relief as may be given or secured to him by the statutes of the State or Territory where the land lies, although the title of the plaintiff in the action may have been granted by the United States after said improvements were so made. [*June* 1, 1874.]

CHAPTER 201.

AN ACT TO FACILITATE THE EXECUTION OF, AND TO PROTECT CERTAIN PUBLIC WORKS OF IMPROVEMENT AT THE MOUTH OF THE MISSISSIPPI RIVER.

June 1, 1874.
18 Stat. L., 50.

Secretary of War to have control of channel at mouth of Mississippi River until improvements are completed, &c.

Penalty for interfering with or obstructing improvements.

Secretary of War to have control of channel at mouth of Mississippi River until improvements are completed; may make regulations, &c.

Be it enacted, &c., That from and after the passage of this act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States, so far as may be necessary to the carrying on and protection of such excavation and improvement, and until the same be completed, and he may establish such regulations respecting the use of, or passage through, such channel as he shall deem needful to fully protect the channel and to facilitate the excavation, improvement and use thereof. Such regulations shall be promulgated by publication thereof for ten days consecutively in two daily papers published in New Orleans, Louisiana, and the same may in like manner be changed from time to time;

Penalty for interfering with or obstructing improvements.

And any person interfering with, or obstructing, or attempting to obstruct the said improvements, and any person who shall willfully or negligently strand or sink any boat or craft in said channel, or who shall willfully, or negligently obstruct said channel, or cause any impairment injury, filling up, or shoaling therein, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding, five hundred dollars, or imprisonment for not more than six months, or both, in the discretion of the court. [*June* 1, 1874.]

CHAPTER 205.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF THE FRONTIER SETTLEMENTS OF TEXAS AGAINST INDIAN AND MEXICAN DEPREDATIONS.

June 3, 1874.
18 Stat. L., 51.

Secretary of War may construct and operate telegraph line in Texas and Indian Territory to connect military posts.

Secretary of War may construct and

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to construct and operate a line of telegraph, beginning at or

operate telegraph line in Texas and Indian Territory to connect military posts.
R. S., § 223.
1874, June 23, ch. 461.

near the city of Denison, in Grayson county, Texas; thence by the nearest practicable route to Fort Sill, Indian Territory; thence to Fort Richardson, Texas; thence along the northern frontier-line of settlements to Forts Griffin and Concho; thence to the Pecos River, at or near the mouth of Toyah Creek; thence to Fort Clarke, on Las Moras Creek; thence to Fort Duncan, on the Rio Grande; thence down the Rio Grande, via Fort McIntosh and Ringold's Barracks, to Brownsville, so as to connect the military posts which are now, or may hereafter be, established on said line with the military head-quarters of said district; and that the sum of one hundred thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated. [*June* 3, 1874.]

CHAPTER 206.

June 3, 1874.
18 Stat. L., 52.

AN ACT TO EXTEND THE TIME TO PRE-EMPTORS ON THE PUBLIC LANDS IN THE STATE OF MINNESOTA, TO MAKE FINAL PAYMENT.

Pre-emptors of public lands in Minnesota allowed further time to make proof, payment, &c.

Pre-emptors of public lands in Minnesota allowed further time to make proof and payment, 1863, ch. 119. 1868, ch. 21. 1870, ch. 198. 1870, Res. No. 21 (16 Stat. L., 187, 370) R. S., § 2267. 1879, June 12, ch. 19.

Be it enacted, &c., That the time at which pre-emptors on the public lands in the State of Minnesota, including the lands within Fort Ridgely and Sioux Indian reservations, are now required to make final proof and payment, is extended for the period of two years. [*June* 3, 1874.]

CHAPTER 214.

June 5, 1874.
18 Stat. L., 53.

AN ACT CHANGING THE TIME OF HOLDING CIRCUIT AND DISTRICT COURTS IN VERMONT.

In Vermont, circuit and district courts to be held at Rutland on first Tuesday in October, and at Windsor on third Tuesday in May.

In Vermont, circuit and district courts to be held at Rutland on first Tuesday in October, and at Windsor on third Tuesday in May.
R. S., § 572, 2d ed., p. 101.
R. S., § 658, p. 122.

Be it enacted, &c., That the term of the circuit court holden at Rutland on the third day of October shall be held on the first Tuesday in October, and the term of the district court holden at Rutland on the sixth day of October shall be held on the first Tuesday of October.

The term of the circuit court holden at Windsor on the fourth Tuesday in July shall be held on the third Tuesday in May, and the term of the district court held at Windsor on the Monday after the fourth Tuesday of July shall be on the third Tuesday in May:

Provided, That this act shall not apply to the next terms of the circuit and district court to be holden at Windsor, but the same shall be held at the times now provided by law. [*June* 5, 1874.]

CHAPTER 216.

June 6, 1874.
18 Stat. L., 58.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

Commandant of Marine Corps; his appointment, rank, and pay.

Commandant of Marine Corps; his appointment, rank, and pay.
R. S., §§ 1596, 1601.

Be it enacted, &c., * * * *

Provided, That office of commandant of the Marine Corps having the rank of a brigadier-general of the Army shall continue until a vacancy shall occur in the same, and no longer; (1) and when such vacancy shall

NOTE.—(1) The office became vacant November 1, 1876, and the commandant was appointed as provided by this act.

occur in said office, immediately thereupon all laws and parts of laws creating said office shall become inoperative, and shall, by virtue of this act, from thenceforth be repealed:

And provided further, That thereafter the commandant of the Marine Corps shall have the rank and pay of a colonel, and shall be appointed by selection by the President from the officers of said corps. * * * [*June* 6, 1874.]

Pay and rank of commandant of Marine Corps.

CHAPTER 217.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

June 6, 1874.
18 Stat. L., 60.

A judge-advocate of Army may be assigned by Secretary of War as professor of law at the Military Academy.

Be it enacted, &c., * * *

Provided, That the Secretary of War may assign one of the judge-advocates of the Army to be professor of law. * * * [*June* 6, 1874.]

A judge-advocate of Army may be assigned by Secretary of War as professor of law at the Military Academy.
R. S., §§ 1200, 1201, 1309.

CHAPTER 218.

AN ACT TO CHANGE THE NAME, OF THE PORT OF SAN PEDRO, CALIFORNIA, TO WILMINGTON.

June 6, 1874.
18 Stat. L., 61.

Port of San Pedro, Cal., to be called Wilmington.

Be it enacted, &c., That the port of San Pedro, on the Pacific coast, shall be called Wilmington. [*June* 6, 1874.]

Port of San Pedro, Cal., to be called Wilmington.
R. S., § 2582.
1877, Feb. 27, ch. 69, par. 65.

CHAPTER 219.

AN ACT TO EQUALIZE PENSIONS IN CERTAIN CASES.

June 6, 1874.
18 Stat. L., 61.

Pensioners under special acts to have benefit of general laws. | — pensions of, not to be reduced thereby.

Be it enacted, &c., That all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving or entitled to receive a less pension than that allowed by the general pension laws under like circumstances, are, in lieu of their present rate of pension, hereby declared to be entitled to the benefits and subject to the limitations of the general pension laws entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March third, eighteen hundred and seventy-three; (1) and that this act go into effect from and after its passage:

Provided, That this act shall not be construed to reduce any pension granted by special act. [*June* 6, 1874.]

Pensioners under special acts to have benefits of general law.
R. S., §§ 4692–4791.

— pensions of, not to be reduced thereby.

NOTE.—(1) The provisions of the act of 1873 ch. 234 (17 Stat. L., 566), here referred to, are incorporated into Revised Statutes in the sections noted in the margin.

CHAPTER 220.

June 6, 1874.
18 Stat. L., 61.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROMOTE THE DEVELOPMENT OF MINING RESOURCES OF THE UNITED STATES," PASSED MAY TENTH, EIGHTEEN HUNDRED AND SEVENTY-TWO. (1)

Time for expenditures, &c., on mining claims located prior to May 10, 1872, extended to January 1, 1875.

Time for expenditures, &c., on mining claims located prior to May 10, 1872, extended to Jan. 1, 1875.
R. S., § 2324.

Be it enacted, &c., That the provisions of the fifth section (1) of the act entitled "An act to promote the development of the mining resources of the United States," passed May tenth, eighteen hundred and seventy-two, which requires expenditures of labor and improvements on claims located prior to the passage of said act, are hereby so amended that the time for the first annual expenditure on claims located prior to the passage of said act shall be extended to the first day of January, eighteen hundred and seventy-five. [*June* 6, 1874.]

NOTE.—(1) The provisions of the act of 1872, ch. 152, § 5 (17 Stat. L., 92), here referred to, are incorporated into Revised Statutes, § 2324, noted in the margin.

CHAPTER 223.

June 6, 1874.
18 Stat. L., 62.

AN ACT OBVIATING THE NECESSITY OF ISSUING PATENTS FOR CERTAIN PRIVATE LAND-CLAIMS IN THE STATE OF MISSOURI, AND FOR OTHER PURPOSES.

SECTION
1. Title of lands in Missouri confirmed by acts of Congress, public officers, &c., released in fee to equitable owners.
2. —without affecting valid rights, &c.
3. Office of recorder of land titles in Missouri may be discontinued.
3. State to provide for safe-keeping of records, &c.
Commissioner of General Land Office to have powers of recorder, &c.

Title of lands in Missouri confirmed by acts of Congress, public officers, &c., released in fee to equitable owners.
98 U. S. R., 203.

Be it enacted, &c.

[SECTION 1], That all of the right, title, and interest of the United States in and to all of the lands in the State of Missouri which have at any time heretofore been confirmed to any person or persons by any act of Congress, or by any officer or officers, or board or boards of commissioners, acting under and by authority of any act of Congress, shall be, and the same are hereby, granted, released, and relinquished by the United States, in fee-simple, to the respective owners of the equitable titles thereto, and to their respective heirs and assigns forever, as fully and as completely, in every respect whatever, as could be done by patents issued therefor according to law.

—without affecting valid rights, &c.

SEC. 2. That nothing contained in the first section of this act shall, in any manner, abridge, divest, impair, injure or prejudice any valid right, title or interest of any person or persons in or to any portion or part of the lands mentioned in said first section; and this act shall in no wise affect any lands or lots heretofore relinquished to the United States.

Office of recorder of land titles in Missouri may be discontinued.
1876, ch. 246, par. 8.

SEC. 3. That whenever the Secretary of the Interior shall be of the opinion that the public interest no longer requires the continuance of the office of recorder of land titles in Missouri, he may close and discontinue the same, (1) and all of the records, maps, plats, field-notes, books, papers, and everything else concerning, pertaining, or belonging to said office of recorder, shall be delivered to the State of Missouri:

State to provide for safe-keeping of records, &c.
R. S., §§ 2218–2222.

Provided, however, (2) That said State shall provide by law for the reception and safe-keeping of said records, maps, plats, field-notes, books, papers, and everything else belonging to said office of recorder, as public records, and for the allowance of free access to the same by the authorities of the United States, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind:

Commissioner of General Land Office to have powers of recorder, &c.
R. S., § 453.
1876, July 31, ch. 246, § 1, par. 8.

And provided further, That when said office of recorder shall be closed and discontinued as aforesaid, the Commissioner of the General Land-Office shall forever thereafter possess and exercise all of the powers and authority and perform all the duties of said recorder. [*June* 6, 1874.]

NOTES.—(1) The office of recorder of land titles for Missouri was abolished by law, by act of 1876, ch. 246, par. 8.
(2) The State of Missouri, by act of April 28, 1877, made provisions for the reception and safe-keeping of the records, maps, &c., of the recorder's office, as by this act required.

CHAPTER 224.

AN ACT TO LEGALIZE AND ESTABLISH A PONTOON-RAILWAY-BRIDGE ACROSS THE MISSISSIPPI RIVER AT PRAIRIE DU CHIEN, AND TO AUTHORIZE THE CONSTRUCTION OF A SIMILAR BRIDGE AT OR NEAR CLINTON, IOWA.

June 6, 1874.

18 Stat. L., 62.

SECTION
1. Railway pontoon bridge across Mississippi River at Prairie du Chien legalized.
—draws of, to be maintained, opened promptly, &c.
— bridge to be lighted.
2. —railway companies to have right to use of, on conditions prescribed by Secretary of War; and United States to have certain rights of way, &c.

SECTION
Bridges, &c., litigation concerning, in what courts to be had.
3. Right to alter this act reserved; and changes in plan of construction, how may be made.
4. Bridge over Mississippi River near Clinton, Iowa, may be a pile and pontoon bridge, subject to this act.
—with only one draw, to be located by Secretary of War.

Be it enacted, &c.

Railway pontoon-bridge across Mississippi River at Prairie du Chien legalized.
1875, March 3, ch. 203.

[SECTION 1], That the railway pontoon bridge across the Mississippi River, and an island therein, communicating with the Milwaukee and Saint Paul railway at Prairie du Chien, in the State of Wisconsin, and the Milwaukee and Saint Paul railway at North McGregor, in the State of Iowa, be, and is hereby, legalized and declared a lawful structure:

—draws of, to be maintained, opened promptly, &c.

Provided, That the said John Lawler and the said Prairie du Chien and McGregor Railway Company, their successors and assigns, shall keep up and maintain a suitable pontoon draw of not less than three hundred and ninety-six feet in length in the eastern channel, and one of not less than four hundred and eight feet in length in the principal or western channel of said river; and that said draws shall be opened promptly, upon reasonable signal, for the passage of boats or rafts; but in no case shall unnecessary delay occur in opening the said draws before or after the passage of trains;

—bridge to be lighted.
R. S., §§ 4653–4658.

And that the said parties shall maintain, at their own expense, from sunset to sunrise, throughout the year, such lights on said bridge as may be required by the Light-House Board, for the security of navigation.

—railway companies to have right to use of, on conditions prescribed by Secretary of War; and United States to have certain right of way, of transportation, &c.

SEC. 2. That all railway companies desiring to use said pontoon bridge shall have, and be entitled to, equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree; and the United States shall have the right of way for postal telegraph purposes across said bridge; also, no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge;

—litigation concerning, in what courts to be had.

And in case of any litigation arising from any obstruction or alleged obstruction to the navigation of the river, created by the construction of said bridge under this act, the cause or question arising may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

Right to alter this act reserved; and changes in plan of construction, how may be made.

SEC. 3. That the right to alter or amend this act, so as to prevent or remove all material obstructions to the navigation of said river is hereby expressly reserved, without any liability of the government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; and if any change be made in the plan of construction of said pontoon bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction, or any alteration of said bridge, that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Bridge over Mississippi River near Clinton, Iowa, may be a pile and

SEC. 4. That the bridge heretofore authorized to be erected across the Mississippi River at or near Clinton, Iowa, by section one of an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa,

pontoon bridge, subject to this act. 1872, ch. 73, § 1 and ch. 281 (17 Stat. L., 44, 215).

and other bridges across said river, and to establish them as post roads," approved April first, eighteen hundred and seventy-two, may be constructed and maintained as a pile and pontoon bridge, subject to the terms, restrictions and requirements contained in the foregoing sections of this act:

—with only one draw, to be located by Secretary of War.

Provided, That in the bridge mentioned in this section only one draw shall be required unless otherwise determined by the Secretary of War, which draw shall be located as he may direct, and be not less than four hundred and eight feet in width. [*June* 6, 1874.]

CHAPTER 256.

June 8, 1874.

AN ACT AUTHORIZING CORRECTIONS TO BE MADE IN ERRORS OF PRIZE-LISTS.

18 Stat. L., 63.

Prize-money allowed to officers serving as division-commanders and fleet-captains from April, 1861.

Prize-money allowed to officers serving as division-commanders and fleet-captains from April, 1861, and how paid. R. S., § 4631, pars. 1, 2.

Be it enacted, &c., That the second and third paragraphs of the tenth section of the navy-prize law, approved June thirtieth, eighteen hundred and sixty-four, (1) which relate to the shares of commanders of divisions and fleet-captains, shall apply to officers serving in those positions from April, eighteen hundred and sixty-one, (the commencement of the late war,) and the shares shall be paid in the manner as provided for division-commanders in said second paragraph, said payments to be made out of the naval pension fund; and all acts inconsistent with the provisions of this act be, and the same are hereby, repealed. [*June* 8, 1874.]

NOTE.—(1) The provisions of the act of 1864, ch. 174, § 10 (13 Stat. L., 309), here referred to, are incorporated into Revised Statutes in the section noted in the margin.

CHAPTER 259.

June 9, 1874.

AN ACT TO FACILITATE THE EXPORTATION OF DISTILLED SPIRITS, AND AMENDATORY OF THE ACTS IN RELATION THERETO.

18 Stat. L., 64.

SECTION
1. Distilled spirits may be withdrawn from bonded warehouse for export by giving transportation bond.
Exporter to notify collector of arrival at port of export.
—to file export entry.
—to give bond.
Collector of port to transmit to collector of internal revenue clearance certificate and gauger's report.
Transportation bond, when to be canceled.
Export bond, when to be canceled.
2. Expense of stamp to be ten cents.

Be it enacted, &c.

Distilled spirits may be withdrawn from bonded warehouse for export by giving transportation bond. R. S., §§ 3329, 3330. 1877, March 3, ch. 114, § 5. 1879, March 1, ch. 125, § 10.

[SECTION 1], That whenever the owner or owners of distilled spirits shall desire to withdraw the same from any distillery bonded warehouse for exportation under existing law, such owner or owners may at their option, in lieu of executing an export bond as now provided by law, give a transportation bond with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Secretary of the Treasury may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein;

1879, Dec. 20, ch. 1. 16 Opin. Att'y Gen., 634.

Exporter to notify collector of arrival at port of export.

And in such case, on arrival of the spirits at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, and the name of the vessel upon which the same are to be laden, and the port to which they are intended to be exported.

—to file export-entry.

He shall, after the quantity of spirits has been determined by the gauger and inspector, file with the collector of the port an export-entry verified by his oath or affirmation.

—to give bond.

He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the prin-

cipal named in said bond will export the spirits as specified in said entry to the port designated in said entry, or to some other port without the jurisdiction of the United States.

Collector of port to transmit to collector of internal revenue clearance certificate and gauger's report.

And upon the lading of such spirits, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said spirits were withdrawn for exportation, a clearance certificate and a detailed report of the gauger, which report shall show the capacity of each cask in wine-gallons, and the contents thereof in wine-gallons, proof-gallons, and taxable gallons.

Transportation bond, when to be canceled.

Upon receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

Export bond, when to be canceled.

The bond required to be given for the landing at a foreign port of distilled spirits shall be cancelled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading or any other port without the jurisdiction of the United States or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

Expense of stamp to be ten cents.
R. S., § 3330.
1880, May 28, ch. 108, § 16.

SEC. 2. That on and after the first day of July, eighteen hundred and seventy-four, for the expense of providing and affixing the stamps to each cask containing distilled spirits for exportation, there shall be charged ten cents for each stamp instead of twenty-five cents as now required by law. [*June* 9, 1874.]

CHAPTER 260.

AN ACT IN REFERENCE TO THE OPERATIONS OF THE SHIPPING COMMISSIONERS' ACT, APPROVED JUNE SEVENTH EIGHTEEN HUNDRED AND SEVENTY-TWO.

June 9, 1874.
18 Stat. L., 64.

Vessels in coastwise trade, with certain exceptions, exempt from provisions of shipping commissioners' act.

Vessels in coastwise trade, with certain exceptions, exempt from provisions of shipping commissioners' act.
R. S., §§ 2174, 4501–4520, 4523–4529, 4531–4536, 4538–4545, 4549–4555, 4565–4572, 4592–4597, 4599, 4600, 4602–4607, 4609, 4610, 4612.
2 Lowell, 381.

Be it enacted, &c., That none of the provisions of an act entitled (1) "An act to authorize the appointment of shipping commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" shall apply to sail or steam vessels engaged in the coastwise trade, except the coastwise trade between the Atlantic and Pacific coasts, or in the lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise, or voyage. [*June* 9, 1874.]

NOTE.—(1) The act of 1872, ch. 322 (17 Stat. L., 262), here referred to, is incorporated into Revised Statutes in the sections noted in the margin.

CHAPTER 261.

AN ACT TO REDUCE THE AREA OF THE MILITARY RESERVATION OF FORT SANDERS, AND PROVIDING FOR THE SURVEY OF SAID RESERVATION AS REDUCED.

June 9, 1874.
18 Stat. L., 65.

SECTION
1. Fort Sanders military reservation in Wyoming, bounds of.
2. Survey of, to be made.
3. Land outside of reservation open to entry.
— settlers on, to make proof and payment for pre-emption and homestead within six months.

Be it enacted, &c.

Fort Sanders military reservation in Wyoming; bounds of.

[SECTION 1], That the military reservation of Fort Sanders, in the Territory of Wyoming, is hereby reduced in area, and the said reserva-

tion shall, after the passage of this act, be limited and bounded as follows: Beginning at the point where the old stage road to Salt Lake crosses the Big Laramie River, and running thence east four miles; thence south four and five tenths miles; thence in a west southwest direction to the junction of what is known as the Five Mile Creek with the present south line of the reserve; thence along this creek to its junction with the Big Laramie River; thence along said Big Laramie River, to the place of beginning.

Fort Sanders; survey of, to be made.

SEC. 2. That immediately after the passage of this act it shall be the duty of the officer commanding the military department of the Platte, under the direction of the Secretary of War, to cause a direct survey of said reservation to be made in conformity with the provisions of the first section of this act, and to have posts or monuments planted at each of the corners thereof, and so marked that they will indicate the boundaries of said reservation.

Land outside of reservation open to entry.
R. S., §§ 2257, &c., 2289, &c.

SEC. 3. That the lands heretofore constituting the Fort Sanders military reservation outside of the limits of the new reservation, as defined in section one of this act, shall be held to be and have been subject and liable to the operation of the laws of the United States, in the same manner and to the same extent as if the same had never been included within the limits of said reservation:

—settlers on, to make proof and payment for pre-emption and homestead within six months.

Provided, That in all cases where any of said last mentioned lands would be subject to entry under the pre-emption and homestead laws of the United States, the actual settlers on said lands shall have the right and privilege to make proof and payment for their respective claims, under the provisions of the pre-emption and homestead laws, by filing their declaratory statements, as provided by existing laws, at any time within six months from the passage of this act. [*June* 9, 1874.]

CHAPTER 275.

June 11, 1874.
18 Stat. L., 66.

AN ACT MAKING APPROPRIATIONS FOR THE CONSULAR AND DIPLOMATIC SERVICE OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE AND FOR OTHER PURPOSES.

SECTION

1. Secretaries of legation and messenger at Paris to have allowance from moneys collected for transmission of invoices.
Par. 2. Sureties on bonds of certain consuls to be such as Secretary of State may approve.
Par. 3. Schedule of consular salaries:
—Consul-general at Cairo.
—London, Paris, Havana, Rio Janeiro.
—Calcutta, Shanghai.
—Melbourne.
—Kanagawa, Montreal, Berlin.
—Vienna, Frankfort, Rome, Constantinople.
—St. Petersburg, Mexico.
—Liverpool.

SECTION

1. *Par.* 3. Consuls divided into classes.
—salaries of the several classes.
Places to which different classes are appointed.
—of classes 1 to 7.
Commercial agencies.
2. Clerk-hire allowed to certain consuls-general and consuls.
3. Interpreters to consulates in China and Japan; appointment and salary of.
4. Time of transit allowed to diplomatic and consular officers to be established by Secretary of State.
5. Salary of consular clerks, after five years' service.
6. Vice-consuls acting as consuls to receive compensation, though aliens.

Be it enacted, &c.

Secretaries of legation and messenger at Paris to have allowance from moneys collected for transmission of invoices.
R. S., § 1687.

[SECTION 1], * * *

[*Par.* 1.] The Secretary of State is authorized to allow and pay to the secretary of legation and to the second secretary of legation and to the messenger of the legation in Paris, from the moneys collected at the legation for the transmission of consular invoices, an amount not to exceed in the aggregate six hundred dollars in any one year, to be divided and distributed as the Secretary of State may direct, (1) provided that the surplus receipts are sufficient for that purpose.

* * * * * * *

Sureties on bonds of certain consuls to be such

[*Par.* 2.] The bonds which consular officers who are not compensated

NOTE.—(1) Under this provision the Secretary of State directed the money to be divided equally among the three persons named.

by salaries are required by the thirteenth section of the act of August eighteenth, eighteen hundred and fifty-six, (2) to enter into, shall hereafter be made with such sureties as the Secretary of State shall approve.

as Secretary of State may approve.
R. S., § 1697.

[*Par.* 3.] That Schedules B and C in section three of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, (2) shall, from and after the first day of July next, read as follows:

Schedules of consular salaries.
R. S., § 1690.
See 1878, June 4, ch. 155.
See 1879, Jan. 27, ch. 28.

SCHEDULE B.

The agent and consul-general at Cairo shall be entitled to compensation for his services at the rate of four thousand dollars per annum.

Consul-general at Cairo.
R. S., § 1676.
1875, March 3, ch. 153. 1878, June 4, ch. 155.

The consuls-general at London, Paris, Havana, and Rio Janeiro shall each be entitled to compensation for their services at the rate of six thousand dollars per annum.

—London, Paris, Havana, Rio Janeiro.

The consuls-general at Calcutta and Shanghai shall each be entitled to compensation for their services at the rate of five thousand dollars per annum.

—Calcutta, Shanghai.

The consul-general at Melbourne shall be entitled to compensation for his services at the rate of four thousand five hundred dollars per annum.

—Melbourne.

The consuls-general at Kanagawa, Montreal, and Berlin shall each be entitled to compensation for their services at the rate of four thousand dollars per annum.

—Kanagawa, Montreal, Berlin.

The consuls-general at Vienna, Frankfort, Rome, and Constantinople shall each be entitled to compensation for their services at the rate of three thousand dollars per annum.

—Vienna, Frankfort, Rome, Constantinople.

The consuls-general at Saint Petersburg and Mexico shall each be entitled to compensation for their services at the rate of two thousand dollars per annum.

—Saint Petersburg, Mexico.

The consul at Liverpool shall be entitled to compensation for his services at the rate of six thousand dollars per annum.

—Liverpool.

The following consulates shall be divided into seven classes, to be known, respectively, as classes one, two, three, four, five, six, and seven, and the consuls at such consulates shall each be entitled to compensation for their services per annum at the rates respectively specified herein, to wit:

Consuls divided into classes.

CLASS ONE, four thousand dollars.
CLASS TWO, three thousand five hundred dollars.
CLASS THREE, three thousand dollars.
CLASS FOUR, two thousand five hundred dollars.
CLASS FIVE, two thousand dollars.
CLASS SIX, one thousand five hundred dollars.
CLASS SEVEN, one thousand dollars.

—salaries of the several classes.

CLASS I.

Places to which different classes are appointed.
—of class 1.

GREAT BRITAIN.—Hong-Kong.
HAWAIIAN ISLANDS.—Honolulu.

CLASS II.

CHINA.—Fowchow, Hankow, Canton, Amoy, Chiu-Kiang, Tien-Tsin, Ningpo, Swatow.
PERU.—Callao.

—of class 2.

CLASS III.

GREAT BRITAIN.—Manchester, Glasgow, Bradford, Demerara.
FRENCH DOMINIONS.—Havre.

—of class 3.

(2) The provisions here referred to of the act of 1856, ch. 127 (11 Stat. L., 52), are incorporated into the Revised Statutes in the sections noted in the margin.

SPANISH DOMINIONS.—Matanzas.
BARBARY STATES.—Tripoli, Tunis, Tangiers.
JAPAN.—Nagasaki, Osako, and Hiogo.
MEXICO.—Vera Cruz.
SIAM.—Bangkok.
UNITED STATES OF COLOMBIA.—Panama, Colon, (Aspinwall.)
ARGENTINE REPUBLIC.—Buenos Ayres.
CHILL.—Valparaiso.

CLASS IV.

—of class 4. GREAT BRITAIN.—Birmingham, Sheffield, Belfast, Singapore, Tunstall.
FRENCH DOMINIONS.—Marseilles, Lyons, Bordeaux.
SPANISH DOMINIONS.—Trinidad de Cuba, Santiago de Cuba.
BELGIUM.—Antwerp, Brussels.
DANISH DOMINIONS.—Saint Thomas.
GERMANY.—Hamburg, Bremen, Dresden.
JAPAN.—Hakodadi.

CLASS V.

—of class 5. GREAT BRITAIN.—Leeds, Southampton, Dundee, Leith, Cork, Dublin, Toronto, Hamilton, Coaticook, Halifax, Saint John's, (New Brunswick,) Kingston, (Jamaica,) Nassau, (New Providence,) Turk's Islands, Cardiff, Port Louis, (Mauritius.)

1875, March 3, ch. 157. RUSSIA.—Odessa, *Amoor River.*
SPANISH DOMINIONS.—San Juan, (Porto Rico.)
PORTUGAL.—Lisbon.
DOMINION OF THE NETHERLANDS.—Rotterdam.

1876, Feb. 18, ch. 12. GERMANY.—Sonneberg, Nuremberg, Barmen, Chemnitz, Leipsic, *Aix-la-Chapelle.*
AUSTRIA-HUNGARY.—Trieste, Prague.
SWITZERLAND.—Basle, Zurich.
TURKISH DOMINIONS.—Smyrna, Beirut.
MADAGASCAR.—Tamatave.
MEXICO.—Acapulco, Matamoras.
BRAZIL.—Pernambuco.
URUGUAY.—Montevideo.

CLASS VI.

—of class 6. GREAT BRITAIN.—Bristol, New Castle, Auckland, Gibraltar, Malta, Cape Town, Saint Helena, Goderich, (Canada West,) Kingston, (Canada,) Prescott, Port Sarnia, Windsor, (Canada West,) Quebec, Saint John's, (Canada East,) Pictou, Charlottetown, (Prince Edward Island,) Winnipeg, Barbadoes, Bermuda, Port Stanley, Mahe, (Seychelles,) Fort Erie, Clifton.
FRENCH DOMINIONS.—Nantes, Nice, La Rochelle, Algiers, Martinique.
SPANISH DOMINIONS.—Cadiz, Malaga, Barcelona, Port Mahon, Valencia.
PORTUGUESE DOMINIONS.—Fayal, (Azores,) Oporto, Funchal.
BELGIUM.—Verviers and Liege.
DOMINIONS OF THE NETHERLANDS.—Amsterdam.
DANISH DOMINIONS.—Santa Cruz, Copenhagen.
GERMANY.—Mannheim, Munich, Stuttgart.
SWITZERLAND.—Geneva.
ITALY.—Genoa, Leghorn, Florence, Palermo, Messina, Naples.
TURKISH DOMINIONS.—Jerusalem, Port Said.
MEXICO.—Tampico.
VENEZUELA.—Laguayra.
BRAZIL.—Bahia.
SAN DOMINGO.—San Domingo.

SCHEDULE C.

[*See Schedule C, in act of* 1878, *June* 4, *ch.* 155.]

CLASS VII.

GREAT BRITAIN.—Ceylon, Gaspe Basin, Windsor, (Nova Scotia.) —of class 7.
GERMANY.—Stettin.
HAYTI.—Cape Haytien.
UNITED STATES OF COLOMBIA.—Sabanilla.
ECUADOR.—Guyaquil.
NETHERLANDS.—Batavia.
BRAZIL.—Maranham, Para, Rio Grande de Sul.
HONDURAS.—*Omoa and Truxillo.* 1876, Feb. 18, ch. 12.
TURKISH DOMINIONS.—Cyprus, Bucharest.
MEXICO.—Guaymas. 1878, Feb. 11, ch. 14.
MUSCAT.—Zanzibar.
PORTUGUESE DOMINIONS.—Santiago, (Cape Verde Islands.)
SOCIETY ISLANDS.—Tahiti.
CHILI.—Talcahuano.
FRIENDLY AND NAVIGATOR'S ISLANDS.—Apia.
FEJEE ISLANDS.—Ovalau.
ITALY.—Venice, Milan.

Commercial agencies. Schedule C. Commercial agents.

Gaboon, Saint Paul de Loanda, Lauthala.

Commercial agencies. Schedule B.

Madagascar, San Juan del Norte.

SEC. 2. That there shall be allowed for the hire of clerks, when actually expended therefor, as follows: Clerk-hire allowed to certain consuls-general and consuls. R. S., § 1704. 1878, June 4, ch. 155.

To the consul-general of Havana and consul at Liverpool, each a sum not exceeding the rate of three thousand dollars for any one year;

And to the consuls-general of London, Paris, and Shanghai, each a sum not exceeding the rate of two thousand dollars for any one year;

To the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Stuttgart, and Tunstall, each a sum not exceeding fifteen hundred dollars for any one year.

SEC. 3. That the President shall be, and is hereby, authorized to appoint interpreters to the consulates at Shanghai, Tien Tsin, Fowchow, and Kanagawa, and to allow them salaries not to exceed, in either case, the rate of two thousand dollars a year; Interpreters to consulates in China and Japan; appointment and salary. R. S., § 1692. 1878, June 4, ch. 155.

And to appoint interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, and to allow them salaries not to exceed, in either case, the rate of seven hundred and fifty dollars a year;

And also to allow, at his discretion, a sum not exceeding the rate of five hundred dollars for any one year to any one consulate in China or Japan, respectively, not herein named, for expenses of interpretation; and that section six of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, is hereby repealed. (1)

SEC. 4. That the Secretary of State (2) shall, as soon as practicable, establish and determine the maximum amount of time actually necessary to make the transit between each diplomatic and consular post and the city of Washington, and vice versa, and shall make the same public. He may also, from time to time, revise his decision in this respect; but in each case the decision is to be in like manner made public. (2) Time of transit allowed to diplomatic and consular officers to be established by Secretary of State, &c. R. S., § 1742.

NOTES.—(1) Section 6 of the act of 1856, ch. 127 (11 Stat. L., 55), here repealed, forms § 1692 of the Revised Statutes, which therefore seems to be superseded or repealed by the provisions of this act.
(2) See note on following page.

Allowance of time not to be exceeded, &c.

And the allowance for time actually and necessarily occupied by each diplomatic and consular officer who may be entitled to such allowance shall in no case exceed that for the time thus established and determined, with the addition of the time usually occupied by the shortest and most direct mode of conveyance from Washington to the place of residence in the United States of such officer.

Salary of consular clerks after five years' service. R. S., § 1704.

SEC. 5. That from and after the first day of July next, the annual salary of consular clerks who shall have remained continuously in service as such for the period of five years and upward shall be one thousand two hundred dollars.

Vice-consuls acting as consuls to receive compensation though aliens. R. S., §§ 1703, 1744.

SEC. 6. (3) That any vice-consul who may be temporarily acting as consul during the absence of such consul may receive compensation, notwithstanding that he is not a citizen of the United States.

* * * * * * *

[*June* 11, 1874.]

NOTES.—(2) Under the provision of section 4 on preceding page, the Secretary of State established the following as the maximum amount of time actually necessary to make the transit between the city of Washington and the diplomatic and consular ports named:

Argentine Republic, forty-five days.
Austria-Hungary, thirty days.
Belgium, twenty days.
Bolivia, fifty days.
Brazil, forty days.
Barbary States, thirty-five days.
Chile, forty days.
China: (except Peking and Tien Tsin,) fifty days.
  Peking and Tien Tsin, sixty days.
United State of Colombia:
  Bogota, twenty-four days.
  Aspinwall, Panama, and Sabanilla, sixteen days.
Costa Rica, twenty-five days.
Denmark (excepting Saint Thomas), twenty-five days.
  Saint Thomas, fifteen days.
Ecuador, thirty-five days.
Egypt, thirty-five days.
France, twenty days.
  French possessions, viz:
    Algiers, thirty-five days.
    Gaboon, fifty days.
    Martinique, twenty-five days.
Fiji Islands, seventy days.
Friendly and Navigators' Islands, seventy days.
Germany, twenty-five days.
Great Britain, twenty days.
  British possessions, viz:
    Aden, forty days.
    Barbadoes, twenty days.
    Belize, twenty-five days.
    Bermuda, ten days.
    Guiana, thirty-five days.
    Kingston, Jamaica, twenty days.
    Nassau, fifteen days.
    Turk's Islands, twenty days.
    Gibraltar, twenty-five days.
    Malta, thirty days.
    Australia, fifty days.
    Cape Town, fifty-five days.
    Falkland Islands, seventy days.
    Mauritius, seventy days.
    New Zealand, fifty days.
    Seychelles, seventy days.
    Saint Helena, forty-five days.
    Calcutta, sixty days.
    Ceylon, fifty days.
    Singapore, sixty days.
    Canada (excepting Winnipeg, Victoria, Gaspé Basin, New Brunswick, Nova Scotia, and Prince Edward Island), three days.
Great Britain.—British possessions—Continued.
    Victoria, twenty-five days.
    Winnipeg, fifteen days.
    Gaspé Basin, New Brunswick, Nova Scotia and Prince Edward Island, six days.
Greece, thirty-five days.
Guatemala, thirty days.
Hawaiian Islands, thirty days.
Hayti, fifteen days.
Honduras, twenty-five days.
Italy, twenty-five days.
Japan, forty days.
Liberia, forty days.
Madagascar, seventy days.
Mexico:
  City of Mexico, eighteen days.
  Acapulco, twenty-five days.
  Guaymas, twenty-five days.
  Matamoras, twenty days.
  Tampico, twenty days.
  Vera Cruz, fifteen days.
Muscat, sixty days.
Netherlands, twenty days.
  Batavia, Java, sixty days.
Nicaragua, twenty-five days.
Peru, forty days.
Portugal, twenty-five days.
  Fayal, thirty days.
  Funchal, thirty days.
  Santiago, Cape Verde Islands, forty days.
  Saint Paul de Loanda, fifty days.
Russia:
  St. Petersburg, thirty days.
  Odessa, thirty days.
San Salvador, twenty-five days.
San Domingo, fifteen days.
Siam, sixty days.
Society Islands, seventy days.
Spain, twenty-five days.
  Spanish possessions, viz:
    Havana, seven days.
    Santiago de Cuba, twelve days.
    Porto Rico, twenty days.
    Trinidad de Cuba, twelve days.
    Matanzas, seven days.
    Manila, sixty days.
Sweden and Norway, twenty-five days.
Switzerland, twenty days.
Turkey, forty days.
Uruguay, forty-five days.
Venezuela, twenty-five days.

(3) The provision of this section seems to have reference to that part of section 21 of the act of 1856, ch. 127 (11 Stat. L., 60), which provided that compensation to officers mentioned in Schedules B and C should not apply to the payment of any such officer who shall not be a citizen of the United States, but which was omitted from the Revised Statutes as the section was incorporated therein in section 1744.

CHAPTER 283.

AN ACT TO FORFEIT CERTAIN PUBLIC LANDS GRANTED TO THE STOCKTON AND COPPEROPOLIS RAILROAD, IN THE STATE OF CALIFORNIA.

June 15, 1874.
18 Stat. L., 72.

Lands granted to Stockton and Copperopolis Railroad forfeited, and to be sold as public lands.

Be it enacted, &c., That all lands which were granted by Congress in the year eighteen hundred and sixty-seven, to the Stockton and Copperopolis Railroad, to aid in the construction of a railroad from the city of Stockton to the town of Copperopolis, in the State of California, and which have not been patented by the United States to said company under said grant, which has expired by limitation, are hereby declared forfeited to the United States, and these lands shall hereafter be disposed of as other public lands of the United States. [*June* 15, 1874.]

Lands granted to Stockton and Copperopolis R.R., forfeited and to be sold as public lands.
1867, ch. 189 (14 S. L., 548).

CHAPTER 285.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

June 16, 1874.
18 Stat. L., 72.

SECTION
1. Actual traveling expenses only to be paid employés of United States.
2. Balances of appropriations for Quartermaster's and Commissary Departments prior to July 1, 1872, to be carried to surplus fund.

SECTION
2. Certain claims for stores furnished Army by loyal citizens during rebellion, how considered, &c.

Be it enacted, &c.

* * * * * * *

[SECTION 1.] * * *

Provided, That only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States, and all allowances for mileages and transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision.

Actual traveling expenses only to be paid employés of United States.
R. S., §§ 74, 829, 830, 1273, 1289, 1290, 1566, 2651, 3157.

1875, Feb. 22, ch. 95, § 7; March 3, ch. 133. 1876, June 30, ch. 159, par. 1; July 24, ch. 226, § 2. 14 Opin. Att'y Gen., 681. 14 C. Cls., 380.

* * * * * * *

SEC. 2. That all balances of appropriations, for whatever account, made for the service of the Departments of the Quartermaster General and of the Commissary General of Subsistence, prior to July first, eighteen hundred and seventy-two, which on the thirtieth day of June, eighteen hundred and seventy-four, shall remain on the books of the Treasury, shall be carried to the surplus fund, except such as the Auditor of the Treasury whose duty it is to settle accounts against such appropriations shall certify to the Secretary of the Treasury to be necessary in the settlement of such accounts as have been reported to him for payment by the Quartermasters and the Commissary Departments pending in his office.

Balances of appropriations for Quartermaster's and Commissary Departments prior to July 1, 1872, to be carried to surplus fund.
R. S., § 3691.
1874, June 23, ch. 455, § 1, par. 8.
1878, April 30, ch. 77.

And the Quartermaster General, Commissary General, and Third Auditor of the Treasury shall continue to receive, examine, and consider the justice and validity of such claims as shall be brought before them under the act of July fourth, eighteen hundred and sixty-four, and the acts amendatory thereof; and the Secretary of the Treasury shall make report of each claim allowed by them, at the commencement of each session of Congress, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration. [*June* 16, 1874.]

Certain claims for stores furnished Army by loyal citizens during rebellion, how considered, &c.
1864, ch. 240 (13 Stat. L., 381).
1867, ch. 57 (14 Stat. L., 397).
1871, ch. 21, § 27 (17 Stat. L., 12).

Resolutions of 1866, Nos. 50, 99; 1869, No. 5; 1871, No. 50. R. S., §§ 300 A, 300 B. 1875, Feb. 18, ch. 80, pars. 7, 8. 1878, April 30, ch. 77. 1879, March 3, ch. 287, §§ 2, 3. 15 C. Cls., 453.

CHAPTER 286.

June 16, 1874.
18 Stat. L., 75.

AN ACT TO CHANGE THE TIME FOR HOLDING THE CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES FOR THE EASTERN DISTRICT OF WISCONSIN AT OSHKOSH.

SECTION
1. Circuit and district courts of eastern district of Wisconsin to be held at Oshkosh, on second Tuesday of July.
2. —without interfering with right to hold special terms, nor with terms at Milwaukee.

Be it enacted, &c.

Circuit and district courts of eastern district of Wisconsin to be held at Oshkosh on second Tuesday of July.
R. S., §§ 572, 658.

[SECTION 1], That the time of holding the circuit and district courts of the United States for the eastern district of Wisconsin, at Oshkosh, be on the second Tuesday of July of each year, instead of the first Monday of July, as now provided by law; and that all recognizances, indictments, writs, process, and other proceedings, civil and criminal, now pending in either of said courts, may be entered, heard, and tried at the time herein fixed for holding said courts.

—without interfering with right to hold special terms.

SEC. 2. That this act shall not interfere with the terms of said courts appointed to be holden at Milwaukee, in said district, nor with the power now possessed by the judges of said courts to order special terms of the same as now provided by law. [*June* 16, 1874.]

CHAPTER 287.

June 16, 1874.
18 Stat. L., 76.

AN ACT FIXING THE TIMES OF HOLDING THE CIRCUIT COURT OF THE UNITED STATES IN THE DISTRICTS OF CALIFORNIA, OREGON, AND NEVADA.

SECTION
1. Term of circuit courts in—
—California.
—Oregon.
1. —Nevada.
2. When act takes effect.

Be it enacted, &c.

Terms of circuit court in—
R. S., §§ 658, 664.
Superseded by 1876, Feb. 18, ch. 11.

[SECTION 1], [**Sup.**] [That hereafter a term of the circuit court of the United States for the districts of California, Oregon, and Nevada shall be held as follows, namely:

California.

For the district of California, in the city of San Francisco, on the second Monday of February, July, and December of each year;

Oregon.

For the district of Oregon, in the city of Portland, on the second Monday of April, August and November of each year;

Nevada.

And for the district of Nevada, in the city of Carson, on the second Monday of March, June, and October of each year.]

When act takes effect.

SEC. 2. That this act shall take effect on the first day of July next; and all provisions of law inconsistent therewith are hereby repealed. [*June* 16, 1874.]

CHAPTER 288.

June 16, 1880.
18 Stat. L., 76.

AN ACT TO AUTHORIZE MEDALS COMMEMORATING THE ONE HUNDREDTH ANNIVERSARY OF THE FIRST MEETING OF THE CONTINENTAL CONGRESS, AND OF THE DECLARATION OF INDEPENDENCE.

Medals commemorating Centennial Anniversary of Independence to be prepared, &c.
—punishment for counterfeiting or imitating.

Be it enacted, &c., That medals with appropriate devices, emblems and inscriptions, commemorative of the Centennial Anniversary of the Declaration of Independence be prepared at the Mint at Philadelphia for the Centennial Board of Finance, subject to the provisions of the fifty-second section of the Coinage act of eighteen hundred and seventy-three, (1) upon the payment of a sum not less than the cost thereof,

Medals commemorating Centennial Anniversary of Independence to be prepared, &c.
R. S., 3551.

NOTE.—(1) The provisions of the act of 1873, ch. 131 (17 Stat. L., 432), here referred to, are incorporated into Revised Statutes, where they form the sections noted in the margin.

And all the provisions whether penal or otherwise of said coinage act against the counterfeiting or imitating of coins of the United States shall apply to the medals struck and issued under the provisions of this act. [*June* 16, 1874.]

Centennial medals: punishment for counterfeiting or imitating.
R. S., §§ 5457 5458.

CHAPTER 294.

AN ACT RELATING TO AMBASSADORS, CONSULS AND OTHER OFFICERS.

June 17, 1874.
18 Stat. L., 77.

Diplomatic and consular officers not to be absent more than ten days at a time without leave; and if so absent not to have pay.
—not to correspond with private parties on public affairs.
—nor recommend persons for employment.
—nor accept presents for themselves or others.

Be it enacted, &c., That no Ambassador, Envoy Extraordinary, Minister Plenipotentiary, Minister Resident, Commissioner to any foreign country, chargé d'affaires, Secretary of Legation, Assistant Secretary of Legation, Interpreter to any legation in any foreign country, Consul General, Consul, Commercial Agent, consular pupils, or consular agent shall be absent from his post or the performance of his duties for a longer period than ten days at any one time, without the permission previously obtained of the President. And no compensation shall be allowed for the time of any such absence in any case except in cases of sickness;

Diplomatic and consular officers not to be absent more than ten days at a time without leave; and if so absent, not to have pay, &c.
R. S., §§ 1741, 1742.

Nor shall any diplomatic or consular officer correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States;

—not to correspond with private parties on public affairs;

Nor without the consent of the Secretary of State previously obtained, recommend any person at home or abroad for any employment of trust or profit under the Government of the country in which he is located;

—nor recommend persons for employment;

Nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind from any such government. [*June* 17, 1874.]

—nor accept presents for themselves or others.
R. S., § 1751.

CHAPTER 298.

AN ACT TO INCREASE THE PENSIONS OF SOLDIERS AND SAILORS WHO HAVE BEEN TOTALLY DISABLED.

June 18, 1874.
18 Stat. L., 78.

SECTION
1. Pension of $50 per month allowed to persons permanently and totally disabled in military or naval service
—only in case of permanent total helplessness.
2. When act takes effect.

Be it enacted, &c.

Pension of $50 per month allowed to persons permanently and totally disabled in military or naval service.
R. S., §§ 4698, 4698½.
1880, June 16, ch. 236.

[SECTION 1], That section four (1) of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March third, eighteen hundred and seventy-three, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require the regular personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of fifty dollars per month; and this shall be in lieu of a pension of thirty-one dollars and twenty-five cents per month granted to such person by said section:

NOTE.—(1) Section four, here referred to, of the act of 1873, ch. 234 (17 Stat. L., 569), is incorporated into the Revised Statutes in the sections noted in the margin.

Pensions of $50, &c.: only in case of permanent total helplessness, &c.

Provided, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same have resulted in permanent total helplessness requiring the regular personal aid and attendance of another person.

When act takes effect.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. [*June* 18, 1874.]

CHAPTER 299.

June 18, 1874.

AN ACT TO INCREASE PENSIONS IN CERTAIN CASES.

18 Stat. L., 78.

SECTION
1. Pension of $24 per month allowed to pensioners who have lost arm above elbow, or leg above knee; but no artificial limbs.
SECTION
2. When act takes effect.

Be it enacted, &c.

Pension of $24 per month allowed to pensioners who have lost arm above elbow, or leg above knee, but no artificial limbs. R. S., § 4698. 1876, Aug. 15, ch. 300, § 2. 1879, March 3, ch. 198. 16 Opin. Att'y Gen., 594.

[SECTION 1], That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month:

Provided, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

When act takes effect.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four. [*June* 18, 1874.]

CHAPTER 301.

June 18, 1874.

AN ACT TO AMEND THE LAW RELATING TO PATENTS, TRADE MARKS, AND COPYRIGHTS.

18 Stat. L., 78.

SECTION
1. Copyrighted books to have certain notice thereof printed on each book, or no action maintainable for infringement.
2. Fee for recording assignment or for copy of assignment.
SECTION
3. Engravings, cuts, and prints which may be copyrighted.
— others may be registered in Patent Office.
4. Repeal.
5. When act takes effect.

Be it enacted, &c.

Copyrighted books to have certain notice thereof printed on each book, or no action maintainable for infringement. R. S., § 4962. 14 Blatch., 264.

[SECTION 1], That no person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some visible portion thereof, or of the substance on which the same shall be mounted, the following words, viz:

"Entered according to act of Congress, in the year ——, by A. B., in the office of the Librarian of Congress, at Washington;" or, at his option the word "Copyright," together with the year the copyright was entered, and the name of the party by whom it was taken out; thus—"Copyright, 18—, by A. B."

Fee for recording assignment or for copy. R. S., § 4958.

SEC. 2. That for recording and certifying any instrument of writing for the assignment of a copyright, the Librarian of Congress shall receive from the persons to whom the service is rendered, one dollar; and for every copy of an assignment, one dollar; said fee to cover, in either case, a certificate of the record, under seal of the Librarian of Congress; and all fees so received shall be paid into the Treasury of the United States.

SEC. 3. That in the construction of this act, the words "Engraving," "cut" and "print" shall be applied only to pictorial illustrations or works connected with the fine arts,

Engravings, &c., which may be copyrighted.
R. S., §§ 4952, 4962.

And no prints or labels designed to be used for any other article of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label not a trade mark, six dollars, which shall cover the expense of furnishing a copy of the record under the seal of the Commissioner of Patents, to the party entering the same.

—others may be registered in Patent Office, &c.
R. S., § 4929.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be and the same are hereby repealed.

Repeal.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four. [*June* 18, 1874.]

When act takes effect.

CHAPTER 304.

AN ACT EXPLANATORY OF THE ACT OF JUNE THIRTIETH, EIGHTEEN HUNDRED AND SIXTY-FOUR.

June 18, 1874.
18 Stat. L., 80.

Deposits in savings-banks exempt from taxation, on certain conditions.

Be it enacted, &c., That all deposits made in institutions now existing which do business only as savings-banks, and are recognized as such by the laws of their respective States, or by Congress, are hereby declared to be exempt from taxation the same as deposits in savings institutions having no capital although they have a capital stock or bond for the additional security of their depositors, and pay dividends thereon; and no tax shall be assessed upon the deposits made in such institutions, or collected of them on said deposits, otherwise than as herein provided:

Deposits in savings banks exempt from taxation.
R. S., § 3408.
1874, June 22, ch. 399.
1879, March 1, ch. 125, § 22.

Provided, That all the profits of such savings banks, less the aforementioned dividends on stock not exceeding at the rate of eight per cent. per annum are divided among the depositors, and that the capital stock is invested only in the same class of securities as is used for investing the deposits, and that interest at the rate of not less than four and one-half per cent. be paid in all cases to their depositors, to be made good if necessary from the capital stock. [*This act was presented to the President June* 6, 1874, *and became a law June* 18, 1874, *without the approval of the President.*]

—on certain conditions.

CHAPTER 305.

AN ACT TO AUTHORIZE THE ISSUANCE OF PATENTS FOR LANDS GRANTED TO THE STATE OF OREGON IN CERTAIN CASES.

June 18, 1874.
18 Stat. L., 80.

Patents for lands granted for construction of wagon-roads in Oregon to be issued when they are completed. | —without creating new rights.

Whereas certain lands have heretofore, by acts of Congress, been granted to the State of Oregon to aid in the construction of certain military wagon-roads in said State, and there exists no law providing for the issuing of formal patents for said lands: Therefore,

Be it enacted, &c., That in all cases when the roads in aid of the construction of which said lands were granted are shown by the certificate of the governor of the State of Oregon, as in said acts provided, to have been constructed and completed, patents for said lands shall issue in due form to the State of Oregon as fast as the same shall, under said grants, be selected and certified, unless the State of Oregon shall by public act have transferred its interests in said lands to any corporation or corporations, in which case the patents shall issue from the

Patents for lands granted for construction of wagon-roads in Oregon, to be issued when they are completed.
1866, ch. 167 (14 Stat. L., 86).

1866, ch. 174 (14 Stat. L., 89).
1867, ch. 77 (14 Stat. L., 409).
1869, ch. 150 (15 Stat. L., 340).

General Land Office to such corporation or corporations upon their payment of the necessary expenses thereof:

—without creating new rights, &c.

Provided, That this shall not be construed to revive any land grant already expired nor to create any new rights of any kind except to provide for issuing patents for lands to which the State is already entitled. [*June* 18, 1874.]

CHAPTER 308.

June 18, 1874.
18 Stat. L., 81.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS IN CERTAIN PORTIONS OF THE STATES OF MINNESOTA AND IOWA.

SECTION
1. Homestead and pre-emption settlers on certain public lands in Minnesota and Iowa invaded by grasshoppers may leave temporarily.
2. —without prejudice to their rights.
3. Exemption extended to settlers of 1874.

Be it enacted, &c.

Homestead and pre-emption settlers on certain public lands in Minnesota and Iowa invaded by grasshoppers may leave temporarily.
R. S., §§ 2267, 2291.
1874, June 3, ch. 206.
1879, June 12, ch. 19.
1879, July 1, ch. 63.

[SECTION 1], That it shall be lawful for homestead and preëmption settlers on the public lands in the counties of Cottonwood, Noble, Martin, Jackson, Watonwan, Murray, Rock, Lyon, Redwood, Brown, Chippewa, and Renville, in the State of Minnesota, and the counties of Iowa which compose the Sioux City Land District, and counties contiguous to either of the above exempted sections, where the crops of such settlers were destroyed or seriously injured by grasshoppers in the year eighteen hundred and seventy-three, and where such grasshoppers shall reappear in eighteen hundred and seventy-four to the like destruction of the crops of such settlers, to leave and be absent from said lands until May first, eighteen hundred and seventy-five, under such regulations as to proof of the same as the Commissioner of the General Land-Office may prescribe.

—without prejudice to their rights.

SEC. 2. That during such absence no adverse rights shall attach to said lands—such settlers being allowed to resume and perfect their settlements as though no such absence had been enjoyed or allowed.

Exemption extended to settlers of 1874.

SEC. 3. That the same exemption from continued residence shall be extended to those making settlements in eighteen hundred and seventy-four and suffering the same destruction of crops as those making settlement of eighteen hundred and seventy-three, or any previous year. [*June* 18, 1874.]

CHAPTER 323.

June 19, 1874.
18 Stat. L., 85.

AN ACT TO AUTHORIZE THE SALE OF THE MILITARY RESERVATION OF FORT REYNOLDS, IN COLORADO TERRITORY, AND THE GOVERNMENT BUILDINGS THEREON.

Fort Reynolds Military Reservation to be transferred to Secretary of Interior and offered for sale.
—how sold.

Fort Reynolds Military Reservation to be transferred to Secretary of Interior and offered for sale.

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and empowered to transfer to the custody and control of the Secretary of the Interior, for disposition, for cash, according to the existing laws of the United States relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States Military Reservation of Fort Reynolds, in Colorado Territory, containing about twenty-three square miles, as set apart and declared by the President, on June twenty-second, eighteen hundred and sixty-eight, including all the buildings heretofore erected by the United States, and now being thereon: (the said reservation and buildings being no longer needed for military purposes:)

Provided, That the Secretary of the Interior shall cause the said land to be offered in tracts of not more than eighty acres each, and sold separately at public outcry, to the highest bidder, after giving not less than three months' public notice of the time and place of sale, in not less than three public newspapers printed and published in said Territory. [*June* 19, 1874.]

Fort Reynolds reservation, how to be sold.

CHAPTER 328.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

June 20, 1874.

18 Stat. L., 85.

SECTION 1.

Par. 1. Sergeant-at-Arms of Senate to receive no fees.
2. Members of Capitol police or watch not to receive pay while under suspension, &c.
3. Sergeant-at-Arms of House to receive no fees.
4. Public Printer to be appointed by President.
5. Third Assistant Secretary of State authorized.
6. Laws not to be published in newspapers.
7. Passport fee of $5 to be collected.
8. Secretary of State may prescribe duties of certain officers and employés, make changes, &c.
9. Compensation of internal-revenue gangers.
10. —of certain designated depositories, limited.
— further limited.
11. Detailed statement of contingent expenditures to be presented to Congress at each session.
12. Salaries of officers, &c., under Director of Mint, established.
— at Philadelphia.
— at San Francisco.
— at Carson City.
— at Denver.
— at New Orleans.
13. Territorial secretaries to furnish annual estimates to Secretary of Treasury.
14. Clerks in War Department and their salaries.
15. — in office of Adjutant-General.
16. — of Inspector-General.
17. — of Quartermaster-General.

SECTION 1.

Par. 18. Clerks of Paymaster-General.
19. — of Commissary-General.
20. — of Surgeon-General.
21. — of Chief of Engineers.
22. — of Chief of Ordnance.
23. — of Military Justice.
24 — in Signal Office.
25. Enlisted men and discharged soldiers to be retained.
— to be so placed as to be entitled to promotion.
26. Additional compensation and employment prohibited, except, &c.
27. No new enlistment in general service to be made.
28. Number of temporary clerks to be reduced.
29. Attorney-General to report, contingent expenses annually to Congress.
30. Heads of departments, &c., to regulate hours of labor, &c., clerks, &c.

SECTION
2. Clerks of courts, marshals, and district attorneys to reside in their districts.
— exception as to southern district of New York.
3. Civil officers to receive no perquisites or extra compensation.
— exception as to district attorneys.
4. Permanent appropriation for expense of national cemeteries, &c., repealed.
Secretary of Treasury to submit estimates for such expenses.
5. Unexpended appropriations after two years to be covered into Treasury.
— except certain permanent specific appropriations.
Contracts not affected.
Secretary of Treasury to report balances to Congress.

Be it enacted, &c.

[SECTION 1], * * *

[*Par.* 1.] Sergeant-at-Arms and Doorkeeper, [of Senate] * *

Provided, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith. (1)

Sergeant-at-Arms of Senate to receive no fees. R. S., § 52.

* * * * * * *

[*Par.* 2.] *Provided*, That whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated. (2)

Members of Capitol police or watch not to receive pay while under suspension, &c. R. S., § 1823.

* * * * * * *

[*Par.* 3.] Sergeant-at-Arms, [of House].

Provided, That hereafter he shall receive, directly or indirectly, no fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith. (1)

Sergeant-at-Arms of House to receive no fees. R. S., § 53.

* * * * * * *

NOTES.—(1) These provisions are the same in Revised Statutes, §§ 52, 53, and are repeated here and in subsequent appropriation acts (18 Stat. L., 346).

(2) This provision, although it appears to be continuing, is repeated in subsequent appropriation acts (18 Stat. L., 345).

Public Printer to be appointed by the President.
R. S., § 3758.
1876, July 31, ch. 246, par. 1.
1876, Aug. 15, ch. 287, par. 3.

[*Par.* 4.] *Provided*, That so much of the act entitled "An act providing for the election of a Congressional Printer," approved February twenty-second, eighteen hundred and sixty-seven, (3) as provides for the election of such officer by the Senate, and provides that such officer shall be deemed an officer of the Senate, shall cease and determine and become of no effect from and after the date of the first vacancy occurring in said office; that the title of said officer shall thereafter be Public Printer, and he shall be deemed an officer of the United States, and said office shall be filled by appointment by the President by and with the advice and consent of the Senate.

* * * * * * *

Third Assistant Secretary of State authorized.
R. S., § 200.

[*Par.* 5.] For compensation of * * * two Assistant Secretaries of State, at three thousand five hundred dollars each; and one additional Assistant Secretary of State, with like compensation, to be appointed by the President, by and with the advice and consent of the Senate, to be known as the Third Assistant Secretary of State:

* * * * * * *

Laws not to be published in newspapers.
R. S., § 79.

[*Par.* 6.] *Provided*, That after the fourth day of March, eighteen hundred and seventy-five, the publication of the laws in newspapers shall cease.

* * * * * * *

Passport fee of $5 to be collected, &c.
R. S., §§ 212, 4075.
1878, April 30, ch. 74.

[*Par.* 7.] That from and after the first day of July next a fee of five dollars shall be collected for each citizen's passport issued from the Department. An account of these fees shall be kept, and the amount collected shall be paid into the Treasury of the United States at least quarterly.

Secretary of State may prescribe duties of certain officers and employés, make changes, &c.
R. S., §§ 200, 202.

[*Par.* 8.] *Provided*, That the Secretary of State may prescribe duties for the Assistant Secretaries, the Solicitor, not interfering with his duties as an officer of the Department of Justice, and the clerks of Bureaus, as well as for all the other employees in the Department, and may make changes and transfers therein when, in his judgment, it becomes necessary.

* * * * * * *

Compensation of internal revenue gaugers.
R. S., § 3157.
§ 1, *par.* 4.

[*Par.* 9.] (**Sup.**) [Hereafter no gauger [*internal revenue*] shall receive a greater compensation than six dollars per day.]

1875, March 3, ch. 129, § 1. *Superseded by* 1878, *June* 19, *ch.* 329,

Compensation of certain designated depositaries limited.
R. S., § 3655.
R. S., § 3656.
1876, Aug. 15, ch. 287, par. 7.
8 C. Cl. R., 235.
10 C. Cl. R., 229.

[*Par.* 10.] For compensation to designated depositaries at Buffalo, New York; Louisville, Kentucky; and Pittsburgh, Pennsylvania, for receiving, safely keeping, and paying out public money, * * *

—further limited.

Provided (4), That no compensation shall be allowed for the above services when the emoluments of the office of which said desiguated depositary is in commission amounts to the maximum compensation fixed by law; nor shall the amount allowed to any of said designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law:

And provided further, That the whole allowance to any designated depositary for such service shall not exceed one thousand five hundred dollars per annum. (4)

* * * * * * *

Detailed statement of contingent expenditures to be presented to Congress at each session.
R. S., §§ 60, 193, 209, 262.

[*Par.* 11.] Hereafter a detailed statement of the expenditure for the preceding fiscal year of all sums appropriated for contingent expenses in any Department or Bureau of the Government shall be presented to Congress at the beginning of each regular session. (5)

* * * * * * *

NOTES.—(3) The provision here referred to of the act of 1867, ch. 59 (14 Stat. L., 396), is incorporated into the second edition of the Revised Statutes, in section 3758, noted in the margin.
(4) This limitation is repeated in 1875, ch. 129 (18 Stat. L., 355).
(5) This provision is repeated in subsequent appropriation acts—1875, ch. 129 (18 Stat. L., 355); 1876, ch. 287 (19 Stat. L., 156); 1877, ch. 102 (19 Stat. L., 306).

[*Par.* 12.] *Office of the Director of the Mint.*—For director, four thousand five hundred dollars; examiner, two thousand two hundred dollars; one computor of bullion, two thousand two hundred dollars; one clerk of class four; one clerk of class two; one clerk of class one; one translator, one thousand two hundred dollars; one copyist, nine hundred dollars; one messenger; and one laborer; making, in all, the sum of seventeen thousand two hundred and sixty dollars.

Salaries of officers, &c., under Director of Mint established. R. S., § 344.

And hereafter all salaries under the Director of the Mint at Washington and at the various mints shall be at the rates appropriated for in this act. (6)

Salaries to be according to this act.

* * * * * * *

Mint at Philadelphia.—For salaries of the superintendent, four thousand five hundred dollars; for the assayer, melter and refiner, coiner and engraver, at three thousand dollars each; the assistant assayer, assistant melter and refiner, and assistant coiner, at two thousand one hundred dollars each; cashier two thousand five hundred dollars; chief clerk two thousand four hundred dollars; bookkeeper, deposit-clerk, and weigh-clerk, at two thousand dollars each; and two clerks at one thousand dollars each.

—at Philadelphia. R. S., §§ 3498, 3499.

* * * * * * *

Mint at San Francisco, California:—For salaries of superintendent, four thousand five hundred dollars; assayer, melter and refiner, and coiner at three thousand dollars each; chief clerk, two thousand five hundred dollars; cashier, two thousand five hundred dollars; four clerks at one thousand eight hundred dollars each.

—at San Francisco. R. S., §§ 3498, 3499.

* * * * * * *

Mint at Carson, Nevada.—For salaries of superintendent, three thousand dollars; assayer, melter and refiner, and coiner at two thousand five hundred dollars each; chief clerk, two thousand five hundred dollars; cashier and bookkeeper, two thousand dollars each; weigh-clerk and voucher-clerk, at two thousand dollars each; computing clerk, two thousand dollars; assayer's clerk one thousand six hundred dollars;

—at Carson. R. S., §§ 3498, 3499.

* * * * * * *

Mint at Denver, Colorado.—For salaries of assayer in charge, two thousand five hundred dollars; melter two thousand five hundred dollars; three clerks at one thousand eight hundred dollars each.

—at Denver. R. S., §§ 3498, 3499.

* * * * * * *

To reopen the branch mint at New Orleans to be conducted hereafter as a mint, subject to the provisions and restrictions of the coinage act of eighteen hundred seventy-three (7) the following appropriations are made: For salaries of superintendent, three thousand five hundred dollars; assayer, who shall perform the duties of melter two thousand five hundred dollars;

Mint at New Orleans to be reopened. —salaries of officers of. R. S., §§ 3495, 3498, 3499.

* * * * * * *

[*Par.* 13.] And hereafter it shall be the duty of the secretary of each Territory to furnish estimates in detail for the lawful expenses thereof, to be presented to the Secretary of the Treasury on or before the first day of October of every year.

Territorial secretaries to furnish annual estimates to Secretary of Treasury. R. S., § 1844.

WAR DEPARTMENT.

[*Par.* 14.] For compensation * * * one chief clerk at an annual compensation of two thousand five hundred dollars; one disbursing clerk at two thousand dollars; two chief clerks of divisions at two thousand dollars; seven clerks of class four; six clerks of class three; six clerks of class two; fifteen clerks of class one; two messengers, at eight hundred and forty dollars each; nine laborers, at seven hundred and twenty dollars; seven watchmen for northwest building, (executive) at seven hundred and twenty dollars each.

Clerks in War Department and their salaries. R. S., § 215. 1877, Feb. 27, ch. 69, par. 2.

* * * * * * *

NOTES.—(6) But for this provision the appropriations herein for officers of mints would apply to salaries for one year only. This clause fixes continuing salaries.

(7) the provisions of the act of 1873, ch. 131 (17 Stat. L., 435), are incorporated into Revised Statutes, §§ 3496-3570.

Clerks in office of Adjutant-General. R. S., § 215.

[*Par.* 15.] *In the Office of the Adjutant-General.*—One chief clerk, at two thousand dollars; nine clerks of class four; fifteen clerks of class three; twenty-five clerks of class two; one hundred clerks of class one; three temporary clerks of class four; six temporary clerks of class three; twenty temporary clerks of class two; sixty temporary clerks of class one; ten messengers, at eight hundred and forty dollars; *

—in office of Inspector-General. R. S., § 215.

[*Par.* 16.] *In the Office of the Inspector General.*—One clerk of class four; one messenger, at eight hundred and forty dollars; *

—in office of Quartermaster-General. R. S., § 215.

[*Par.* 17.] *In the Office of the Quartermaster-General.*—One chief clerk, at two thousand dollars; eight clerks of class four; ten clerks of class three; twenty-four clerks of class two; forty clerks of class one; eighteen copyists, at nine hundred dollars; one female messenger at thirty dollars per month; one messenger at eight hundred and forty dollars; eight laborers at seven hundred and twenty dollars; one engineer, at twelve hundred dollars; one fireman at seven hundred and twenty dollars; and five watchmen at seven hundred and twenty dollars each; six temporary clerks of class two; ten temporary clerks of class one; ten temporary copyists, at nine hundred dollars; *

—in office of Paymaster-General. R. S., § 215.

[*Par.* 18.] *In the Office of the Paymaster-General.*—One chief clerk, at two thousand dollars; seven clerks of class four; eight clerks of class three; fifteen clerks of class two; thirteen clerks of class one; one messenger, at eight hundred and forty dollars; four watchmen at seven hundred and twenty dollars; five laborers at seven hundred and twenty dollars; two temporary clerks of class two; three temporary clerks of class one; *

—in office of Commissary-General. R. S., § 215.

[*Par.* 19.] *In the Office of the Commissary General.*—One chief clerk, at two thousand dollars; two clerks of class four; four clerks of class three; five clerks of class two; twelve clerks of class one; one messenger, at eight hundred and forty dollars; three laborers, at seven hundred and twenty dollars; two watchmen, at seven hundred and twenty dollars; *

—in office of Surgeon-General. R. S., § 215. 1880, March 16, ch. 38.

[*Par.* 20.] *In the Office of the Surgeon-General.*—One chief clerk, at two thousand dollars; six clerks of class four; four clerks of class three; eight clerks of class two; one hundred and fifteen clerks of class one, (twenty of whom shall be temporary;) one anatomist at the Army Medical Museum, at sixteen hundred dollars; one engineer, in division of records and museum, at fourteen hundred dollars; one messenger, at eight hundred and forty dollars; twenty-two watchmen and laborers, (six temporary,) at seven hundred and twenty dollars each; *

—in office of Chief Engineer. R. S., § 215.

[*Par.* 21.] *In the Office of the Chief Engineer.*—One chief clerk, at two thousand dollars; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger, at eight hundred and forty dollars; three laborers, at seven hundred and twenty dollars each; *

—in office of Chief of Ordnance. R. S., § 215.

[*Par.* 22.] *In the Office of the Chief of Ordnance.*—One chief clerk, at two thousand dollars; three clerks of class four; three clerks of class three; three clerks of class two; eight clerks of class one; one messenger at eight hundred and forty dollars; one laborer at seven hundred and twenty dollars; *

—in office of Military Justice. R. S., § 215.

[*Par.* 23.] *In the Office of Military Justice.*—One chief clerk, at two thousand dollars; one clerk of class four; one clerk of class three; two clerks of class two; four clerks of class one; one messenger at eight hundred and forty dollars; *

—in Signal-Office. R. S., § 215.

[*Par.* 24.] *In the Signal-Office.*—Two clerks of class four; one messenger at eight hundred and forty dollars; *

Enlisted men and discharged soldiers to be retained.

[*Par.* 25.] That it is further made the duty of the Secretary of War, when the reduction of clerks now employed shall take effect under the provisions of this act, to retain, as far as possible, such of the enlisted men and discharged soldiers as are now employed in the several Bureaus of said Department where the same can be done with a due regard to the dispatch of public business;

And it is hereby made the duty of the Secretary of War to place such enlisted men so retained upon the civil list, so as to entitle them to promotion under the civil service regulations;

Enlisted men to be so placed as to be entitled to promotion.

[*Par.* 26.] And hereafter it shall be unlawful to allow or pay to any of the persons designated in this act any additional compensation from any source whatever, or to retain, detail, or employ in any branch of the War Department in the city of Washington any persons other than those herein authorized except in the Signal-Office and the Engineer Corps, and except such commissioned officers as the Secretary of War may, from time to time, assign to special duties:

Additional compensation and employment prohibited, except, &c.
R. S., §§ 1763, 1765.

[*Par.* 27.] *Provided*, That * * * no new enlistments shall be made into the general service, and nothing in this act shall be so construed as to increase the aggregate force now employed in any office of the War Department;

No new enlistments in general service to be made.

[*Par.* 28.] And it shall be the duty of the Secretary of War to reduce the number of temporary clerks and others authorized by this act as fast as the wants of the public service will permit. * * *

Number of temporary clerks to be reduced.

DEPARTMENT OF JUSTICE.

[*Par.* 29.] And the Attorney-General shall hereafter annually report to Congress, in detail, the items, amounts, and causes of expenditure of the contingent expenses of this Department.

Attorney-General to report contingent expenses annually to Congress.
R. S., §§ 193, 384.

* * * * * * *

[*Par.* 30.] That it shall be the duty of the heads of the several Executive Departments, and of the heads of the respective Bureaus therein, in the interests of the public service, to require of all clerks of class one and above, and of chiefs of divisions, such hours of labor as may be deemed necessary for the proper dispatch of the public business, not exceeding, however, the time for which said Departments are by law required to be open for business, any usage to the contrary notwithstanding.

Heads of Departments, &c., to regulate hours of labor of clerks, &c.
R. S., §§ 161, 162.

SEC. 2. That every clerk of the circuit or district court of the United States, United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed, and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant:

Clerks of courts, marshals, and district attorneys to reside in their districts, &c.
R. S., §§ 619, 767, 776.

Provided, That in the southern district of New York said officers may reside within twenty miles of their districts.

—exception as to southern district of New York.

SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law:

Civil officers to receive no perquisites or extra compensation, except, &c.
R. S., §§ 843, 1762-1765.
15 C. Cl., 22.
See Warden's case, 16 C. Cls., —.

Provided, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees.

SEC. 4. That the act entitled (8) "An act limiting the appropriation of certain moneys for the preparation, issue, and reissue of certain securities of the United States, and for other purposes," approved May twenty-third, eighteen hundred and seventy-two, and all other acts and parts of acts making permanent appropriations for the expenses of the national loan, except the second section of the act approved July fourteenth, eighteen hundred and seventy, entitled "An act to authorize the refunding of the national debt," are hereby repealed, this repeal to take place on the first day of July next;

Permanent appropriation for expenses of national securities, &c., repealed.
R. S., § 3689, 2d ed., p. 725.

NOTE.—(8) The provision of the act of 1872, ch. 197 (17 Stat. L., 156), here referred to and repealed, is incorporated into Revised Statutes, § 3689, 2d edition, page 725, under heading "Expenses of national loan." The provision of the second section of the act of 1870, ch. 256 (16 Stat. L., 272), here referred to as unrepealed, is incorporated into Revised Statutes, § 3689, 2d edition, page 725, under heading "Refunding the national debt."

—Secretary of Treasury to submit annual estimate for such expenses.
R. S., § 3669.

And hereafter the Secretary of the Treasury shall annually submit to Congress detailed estimates of appropriations required for said expenses;

* * * * * * *

Unexpended appropriations after two years to be covered into Treasury.
R. S., § 3691.
15 Opin. Att'y Gen., 357.
See Hukill's case, 16 Ct. Cls., —.

SEC. 5. That from and after the first day of July, eighteen hundred and seventy-four, and of each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury:

—except certain permanent specific appropriations.
1871, ch. 4.
1873, ch. 227.
1874, June 16, ch. 285, § 2.
1874, June 23, ch. 455, par. 8.
15 Opin. Att'y Gen., 357.

Provided, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors, light-houses, fortifications, public buildings, or the pay of the navy and marine corps; but the appropriations named in this proviso shall continue available until otherwise ordered by Congress, and this provision shall not apply to any unexpended balance of the appropriation made by the act approved December twenty-first, eighteen hundred and seventy-one, for expenses that may be incurred under articles one to nine of the treaty with Great Britain concluded May eighth, eighteen hundred and seventy-one, which balance the act approved March third, eighteen hundred and seventy-three, authorized to be expended to enable the President to fulfill the stipulations contained in the twentieth, twenty-second, twenty-third, twenty-fourth, and twenty-fifth articles of said treaty:

Contracts not affected.

And provided further, That this section shall not operate to prevent the fulfillment of contracts existing at the date of the passage of this act;

Secretary of Treasury to report balances to Congress.
R. S., § 3669.

(**Rep.**) [And the Secretary of the Treasury shall, at the beginning of each session, report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by this section that may need to be re-appropriated.] [*June* 20, 1874.]

Last clause repealed by 1878, June 14, ch. 191, § 4.

CHAPTER 330.

June 20, 1874.
18 Stat. L., 111.

AN ACT TO AUTHORIZE THE ISSUE OF DUPLICATE AGRICULTURAL LAND SCRIP WHERE THE ORIGINAL HAS BEEN LOST OR DESTROYED.

In case of loss or destruction of agricultural-college land scrip new certificates may be obtained.

In case of loss or destruction of agricultural-college land scrip new certificates may be obtained.
R. S., §§ 2441, 2442.

Be it enacted, &c., That the provisions of the act of Congress of the twenty-third day of June, eighteen hundred and sixty, (1) relating to the reissue of land warrants in certain cases, be, and the same are hereby, extended so as to include the reissue of agricultural-college land scrip lost, cancelled or destroyed without the fault of the owner thereof, under such rules and regulations as the Secretary of the Interior may prescribe. [*June* 20, 1874.]

NOTE.—(1) The provisions of the act of 1860, ch. 203 (12 Stat. L., 90), here referred to, are incorporated in the sections of the Revised Statutes noted in the margin.

CHAPTER 331.

June 20, 1874.
18 Stat. L., 111.

AN ACT MAKING ADDITIONS TO THE FIFTEENTH SECTION OF THE ACT APPROVED JULY 2, 1864, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO AID IN THE CONSTRUCTION OF A RAILROAD AND TELEGRAPH LINE FROM THE MISSOURI RIVER TO THE PACIFIC OCEAN, AND TO SECURE TO THE GOVERNMENT THE USE OF THE SAME FOR POSTAL, MILITARY, AND OTHER PURPOSES' APPROVED JULY 1, 1862."

Pacific Railroads.
—officers and agents of, required to use roads and telegraph as continuous lines, and to allow equal advantages, &c., to each road, under penalty.
If Union Pacific Railroad Company and branches fail to comply with this act parties aggrieved may have action for damages.
Denver Pacific Road part of Kansas Pacific.

Pacific railroads.
1862, ch. 120 (12 Stat. L., 489).
1864, ch. 216 (13 Stat. L., 356).

Be it enacted, &c., That there shall be, and is hereby, added to the fifteenth section of the act approved July second, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River

to the Pacific Ocean, and to secure to the Government the use of the same for postal, military and other purposes,' approved July first, eighteen hundred and sixty-two," the following words, namely:

R. S., §§ 5256, 5257, 5262.

"And any officer or agent of the companies authorized to construct the aforesaid roads, or of any company engaged in operating either of said roads, who shall refuse to operate and use the road or telegraph under his control, or which he is engaged in operating for all purposes of communication, travel, and transportation, so far as the public and the Government are concerned, as one continuous line, or shall refuse, in such operation and use, to afford and secure to each of said roads equal advantages and facilities as to rates, time, or transportation, without any discrimination of any kind in favor of, or adverse to, the road or business of any or either of said companies, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one thousand dollars, and may be imprisoned not less than six months.

Officers and agents required to use roads and telegraph as continuous line, and to allow equal advantages, &c., to each road, under penalty.

In case of failure or refusal of the Union Pacific Railroad Company, or either of said branches, to comply with the requirements of this act and the acts to which this act is amendatory, the party injured or the company aggrieved may bring an action in the district or circuit court of the United States in the Territory, district, or circuit in which any portion of the road of the defendant may be situated, for damages on account of such failure or refusal; and, upon recovery, the plaintiff shall be entitled to judgment for treble the amount of all excess of freight and fares collected by the defendant, and for treble the amount of damages sustained by the plaintiff by such failure or refusal; and for each and every violation of or failure to comply with the requirements of this act, a new cause of action shall arise; and in case of suit in any such Territory, district, or circuit, process may be served upon any agent of the defendant found in the Territory, district, or circuit in which such suit may be brought, and such service shall be by the court held to be good and sufficient;

If Union Pacific Railroad Company and branches fail to comply with this act, parties aggrieved may have action for damages.
3 Dillon, 524.

And it is hereby provided that for all the purposes of said act, and of the acts amendatory thereof, the railway of the Denver Pacific Railway and Telegraph Company shall be deemed and taken to be a part and extension of the road of the Kansas Pacific Railroad, to the point of junction thereof with the road of the Union Pacific Railroad Company at Cheyenne, as provided in the act of March third, eighteen hundred and sixty-nine. [*June* 20, 1874.]

Denver Pacific Road part of Kansas Pacific.
1869, ch. 127 (15 Stat. L., 324).

CHAPTER 332.

AN ACT TO AMEND THE ACT ENTITLED AN ACT TRANSFERRING THE CONTROL OF CERTAIN TERRITORIAL PENITENTIARIES TO THE SEVERAL TERRITORIES IN WHICH THE SAME ARE LOCATED," APPROVED JANUARY TWENTY-FOURTH, EIGHTEEN HUNDRED AND SEVENTY-THREE.

June 20, 1874.
18 Stat. L., 112.

SECTION
1. Control of penitentiaries in Montana, Idaho, and Wyoming transferred from Territories.
SECTION
2. —and given to marshals of United States.

Be it enacted, &c.

Control of penitentiaries in Montana, Idaho, and Wyoming transferred from Territories.
R. S., §§ 1936, 1937.

[SECTION 1], That the act entitled (1) "An act transferring the control of certain Territorial penitentiaries to the several Territories in which the same are located," approved January twenty-fourth, eighteen hundred and seventy-three, be, and the same is hereby, amended by striking out the words Montana, Idaho, and Wyoming wherever the same occur in said act, and the said act shall hereafter have no applicability to the Territories of Montana, Idaho, and Wyoming.

NOTE.—(1) The act of 1873, ch. 68 (17 Stat. L., 418), here referred to, is incorporated into the Revised Statutes, sections 1936, 1937, noted in the margin.

Control of certain penitentiaries given to marshals of United States.
R. S., §§ 1892–1895.
1880, June 16, ch. 235, par. 4.

SEC. 2. That the penitentiaries in the Territories of Montana, Idaho, and Wyoming, shall continue under the care and control of the marshal of the United States for said Territories, under and pursuant to the provisions of the act entitled "An act in relation to certain territorial penitentiaries," approved January tenth, eighteen hundred and seventy-one; (2) which said last mentioned act is hereby revived and reënacted so far as the same applies to the Territories of Montana, Idaho, and Wyoming. [*June* 20, 1874.]

NOTE.—(2) The act of 1871, ch. 15 (17 Stat. L., 398), is incorporated into the Revised Statutes in sections 1892-1895, noted in the margin, and this act repeals the exception which forms the last clause of § 1892.

CHAPTER 333.

June 20, 1874.
18 Stat. L., 113.

AN ACT PROVIDING FOR PUBLICATION OF THE REVISED STATUTES AND THE LAWS OF THE UNITED STATES.

SECTION
1. Contract for publishing laws of the United States terminated.
2. Revised Statutes (first edition), how prepared for publication, &c.
3. —title of.
4. —to be stereotyped at Government Printing Office for distribution and sale, &c.
5. Laws of each session of Congress to be edited, printed, &c.
6. Pamphlet copies of acts and resolves of each session of Congress to be distributed.
7. Bound copies of Statutes at Large to be distributed at close of each Congress.
8. Printed copies of statutes to be evidence.
9. Revised Statutes and laws of each session to be sold at cost of paper, press-work, and binding, with 10 per cent. added.
10. Revision of Indian treaties to be bound and deposited with Secretary of Interior.

Be it enacted, &c.

Contract for publishing laws of United States terminated.
Resolutions 1845, No. 10 (5 Stat. L., 798); 1850, No. 17 (9 Stat. L., 564); 1866, No. 17 (14 Stat. L., 352).

[SECTION 1], That the existing contract or contracts between the Secretary of State on the part of the United States, and Charles C. Little, Augustus Flagg, Henry T. Miles, and John Bartlett, of Boston, known as the firm of Little, Brown and Company, dated the twenty-eighth day of May, eighteen hundred and sixty-six, and all other contracts between the United States or any officer thereof with said firm of Little, Brown and Company, respecting the printing or publication of the laws of the United States, are hereby declared to be determined, pursuant to the powers therein reserved.

Revised Statutes (first edition), how prepared for printing, publication, &c.
1874, Dec. 28, ch. 9.
1877, March 2, ch. 82.
1878, March 9, ch. 26.
15 C. Cl., 86.

SEC. 2. That the Secretary of State is hereby charged with the duty of causing to be prepared for printing, publication and distribution the Revised Statutes of the United States enacted at this present session of Congress; that he shall cause to be completed the head notes of the several titles and chapters and the marginal notes referring to the statutes from which each section was compiled and repealed by said revision; and references to the decisions of the courts of the United States explaining or expounding the same, and such decisions of State courts as he may deem expedient, with a full and complete index to the same.

And when the same shall be completed, the said Secretary shall duly certify the same (**Rep.**) (1) [under the seal of the United States], and when printed and promulgated as hereinafter provided, the printed volumes shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States, and of the several States and Territories.

—title of.

SEC. 3. That the revision of the statutes of a general and permanent nature, with the index thereto, shall be printed in one volume, and shall be entitled and labeled "Revised Statutes of the United States;" and the revision of the statutes relating to the District of Columbia; to post-roads, and the public treaties in force on the first day of December, one thousand eight hundred and seventy-three, with a suitable index to each, shall be published in a separate volume, and entitled and labeled "Re-

NOTE.—(1) These words are stricken out by act of 1874, December 28, ch. 9, § 1.

vised Statutes relating to District of Columbia and Post-Roads. Public Treaties."

SEC. 4. That the Secretary of State shall cause the two volumes to be stereotyped and such number of each volume to be printed and substantially bound at the Government Printing Office as he may deem needful, for public distribution as hereinafter provided, and for sale by his office.

Revised Statutes to be stereotyped at Government Printing Office for distribution and sale.

SEC. 5. That he shall, in like manner, cause to be edited, printed, published and distributed pamphlet copies of the statutes of the present and each future session of Congress, to the officers and persons hereinafter provided, and bound copies of the laws of each Congress to the number of two thousand copies to be distributed in the manner now provided by law, and uniform with the said edition of the Revised Statutes.

Laws of each session of Congress to be edited, printed, &c.

SEC. 6. That at the close of every session of Congress the Secretary of State shall cause to be distributed pamphlet copies of the acts and resolves of Congress for that session, edited and printed in the manner aforesaid, as follows:

Pamphlet copies of acts and resolves of each session of Congress to be distributed.

R. S., §§ 386, 387, 498.

To the President and Vice President of the United States, two copies each;

To each Senator, Representative, and Delegate in Congress, one copy;

To the Librarian of the Senate, for the use of Senators, one hundred and twenty-six copies;

To the Librarian of the House, two hundred and fifty copies, for the use of the Representatives and Delegates;

To the Library of Congress, fourteen copies;

To the Department of State, including those for the use of legations and consulates, six hundred copies;

To the Treasury Department, two hundred copies;

To the War Department, including those for the use of officers of the Army, two hundred copies;

To the Navy Department, including those for the use of officers of the Navy, one hundred copies;

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land offices, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies;

To the Department of Agriculture, ten copies;

To the Smithsonian Institution, five copies;

To the Government Printing Office, two copies;

To the governors and secretaries of Territories, one copy each;

To be retained in the custody of the Secretary of State, one thousand copies;

And ten thousand copies shall be distributed to the States and Territories in proportion to the number of Senators, Representatives, and Delegates in Congress to which they are at the time entitled.

SEC. 7. That after the close of each Congress the Secretary of State shall have edited, printed and bound a sufficient number of the volumes containing the Statutes at Large enacted by that Congress to enable him to distribute copies, or as many thereof as may be needed, as follows:

Bound copies of Statutes at Large to be distributed at close of each Congress.

1875, March 3, 130, § 9.

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy shall be for the use of the Commissioner of Public Buildings;

To the Vice President of the United States, one copy;

To each Senator, Representative, and Delegate in Congress, one copy;

To the librarian of the Senate, for the use of Senators, one hundred and fourteen copies;

To the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies;

To the Library of Congress, fourteen copies, including four copies for the law library;

To the Department of State, including those for the use of legations and consulates, three hundred and eighty copies;

To the Treasury Department, including those for the use of officers of customs, two hundred and sixty copies;

To the War Department, including a copy for the Military Academy at West Point, fifty copies;

To the Navy Department, including a copy for the library at the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the library of the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, sixty-five copies;

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of public land-offices, two hundred and fifty copies;

To the Post-Office Department, fifty copies;

To the Department of Justice, including those for the use of the chief and associate justices, the judges and the officers of the United States and territorial courts, four hundred and twenty-five copies;

To the Department of Agriculture, five copies;

To the Smithsonian Institution, two copies;

To the Government Printing Office, one copy;

And the Secretary of State, shall supply deficiencies and offices newly created.

Printed copies of statutes to be evidence.

SEC 8. That the said printed copies of the said acts of each session and of the said bound copies of the acts of each Congress shall be legal evidence of the laws and treaties therein contained, in all the courts of the United States and of the several States therein.

Revised Statutes and laws of each session to be sold at cost of paper, press-work, and binding, with 10 per cent. added. 1875, Feb. 18, ch. 84.

SEC. 9. That the said laws of each session of Congress shall also be stereotyped and printed for sale, as provided in respect to the said revised statutes. And the copies of the said revised statutes and of the said laws of each session of Congress, as issued from time to time, shall be respectively sold at the cost of the paper, press work and binding, with ten per cent. thereof added thereto, to any person applying for the same. And the proceeds of all sales shall be paid into the Treasury.

1875, March 3, ch. 130, § 9.

Revision of Indian treaties to be bound and deposited with Secretary of Interior.

SEC. 10. That the Secretary of State shall cause all the copies of the Revision of Indian treaties made by Thomas J. Durant, now printed to be bound, and the same shall be deposited with the Secretary of the Interior, for the use of the Departments and officers of the Government. [*June* 20, 1874.]

CHAPTER 335.

June 20, 1874.
18 Stat. L., 115.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF INVALID AND OTHER PENSIONS OF THE UNITED STATES FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

Fee of pension agents to be 25 cents for preparing vouchers and administering oaths.

Be it enacted, &c.

* * * * * * *

Fee of pension agents to be 25 cents for preparing vouchers and administering oaths.

Provided further, That the fees for preparing vouchers and administering oaths, which are now by law thirty cents in each case, shall hereafter be twenty-five cents for the same and no more. [*June* 20, 1874.]

R. S., § 4782. 1878, June 14, ch. 188, par. 2. 1879, March 3, ch. 187.

CHAPTER 337.

AN ACT FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

June 20, 1874.
18 Stat. L., 116.

SECTION
1. Executive, secretary, legislative assembly, board of public works, and delegate of District of Columbia abolished.
2. District Commissioners to be appointed; powers and duties of.
— how to apply revenues.
— to have possession of offices, records, &c., of District government.
— not to make certain contracts.
Taxes to be collected, but not hypothecated.
Commissioners may abolish or consolidate offices, make appointments, and shall reduce salaries.
— to take oath and give bond.
— salary of.
Pending suits.
Service of process against District.
3. Engineer of Army to be detailed to have care of work on streets, &c.
— to keep certain books, records, &c.
— may appoint assistant engineers.
— not to receive additional salary.
— not deemed to hold civil office.
Compensation of surveyor, &c.
Assistant surveyor's office abolished.
4. Penalty for non-payment of taxes when due.
Collection of taxes in arrear, and proceedings for sale of property taxed.
7. Bonds with interest at 3.65 per cent. per annum to be issued by sinking-fund commissioners.
— exempt from taxation.
— faith of United States pledged for.
— to be numbered and registered.
— prevention of fraudulent issue of.
— may be changed for other indebtedness.
8. Certain authority of board of public works repealed, and no more certificates to be issued.
9. Commissioners, of which governor was a member, continued.
10. Act of District legislature authorizing issue of certain bonds approved.

Be it enacted, &c.

Executive, legislative assembly, board of public works, &c., of District of Columbia abolished.
R. S., vol. 2 Dist. Col., §§ 2–71, 74–84.

[SECTION 1], That all provisions of law providing for an executive, for a secretary for the District, for a legislative assembly, for a board of public works, and for a delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.(1)

District Commissioners to be appointed; powers of, &c.
1878, March 3, ch. 180.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board;

— how to apply revenues.
1875, March 1, ch. 117.
1878, March 3, ch. 180, § 3.

And shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works;

— to have possession, &c., of offices, records of District government.

And for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid;

— not to make certain contracts.

But said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

Taxes to be collected but not hypothecated.
1878, June 11, ch. 180, § 3.
1879, June 21, ch. 33.

All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided*, That nothing in this clause contained shall affect any provisions of law au-

(1) The laws of Congress relating to the District of Columbia were revised and included in the first part of the second volume of the Revised Statutes, with post-roads and treaties, but that does not contain the laws of the legislative assembly of the District, which was created by the act of 1871, ch. 62 (16 Stat. L., 419), and abolished by this act.

thorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District;

Commissioners may abolish or consolidate offices, make appointments, &c. 1878, June 11, ch. 180, § 3. 1881, Jan. 25, ch. 27.

And said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employees, except teachers in the public schools, and officers and employees in the fire department, shall be reduced twenty per centum per annum.

— to take oath and give bond.

Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of fifty thousand dollars, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of five thousand dollars per annum:

— salary of.

Pending suits.

Provided, That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia;

Service of process against District.

And provided further, That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

Engineer of Army to be detailed to have care of work on streets, &c. 1878, June 11, ch. 180.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works.

— to keep certain books, records, &c.

He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board.

— may appoint assistant engineers.

He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of one thousand eight hundred dollars per annum, and shall be subject to his direction and control.

— not to receive additional salary.

He shall receive no additional compensation for such services.

— not deemed to hold civil office.

And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States.

Compensation of surveyor, &c.

And no salary or compensation shall be paid to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law.

Assistant surveyor's office abolished.

And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

SEC. 4.(2) * * *

Penalty for non-payment of taxes when due.

Upon all said taxes which shall be delinquent and unpaid on said first day of November, [1874,] there shall be added a penalty of one per centum to the amount thereof, to be collected with such taxes; and a like penalty of one per centum upon the amount thereof shall be added on the first day of each succeeding month to all of said taxes as are then delinquent and unpaid, to be collected as aforesaid.

Collection of taxes in arrears and proceedings for sale of property taxed.

It shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the first day of March next, and shall, within ten days there-

NOTES.—(2) The part of section 4, here omitted, levied a tax for the year ending June 30, 1875.

after, publish the same, with the notice of sale, in a newspaper published in said District, to be designated by said board of commissioners, for the time and in the manner required by the provisions of the act of the legislative assembly entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August twenty-third, eighteen hundred and seventy-one. And all the provisions of said act as to the sale of property and the collection of taxes in arrears are hereby made applicable to the taxes hereby imposed and in arrears as aforesaid, except that the deed conveying the property so sold shall be executed by the said board of commissioners instead of the governor and the secretary.

R. S., vol. 2 Dist. Col., §§ 153–159.
Laws of Dist. Col., 1871, ch. 108.

SEC. 5. (3) * * *

SEC. 6. (4) * * *

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking-fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of fifty and five hundred dollars, bearing date August first, eighteen hundred and seventy-four, payable fifty years after date, bearing interest at the rate of three and sixty-five hundredths per centum per annum, payable semi-annually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct;

Bonds with interest at 3.65 per annum to be issued by sinking-fund commissioners.
1880, June 16, ch. 243, § 5.
16 Opin. Att'y Gen., 174.
See Fendall's case, 16 C. Cls., —.

Which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith.

—exempt from taxation.

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking-fund for the payment of the principal thereof at maturity.

—faith of United States pledged for appropriations for payment of.
1875, Feb. 20, ch. 94.
1878, June 11, ch. 180, § 4.
1879, March 3, ch. 182, § 2. 14 Opin. Att'y Gen., 445, 544. 15 Opin. Att'y Gen., 56.

Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last-named registration the Secretary of the Treasury shall make such provision as may be necessary.

—to be numbered and registered.
1875, March 3, ch. 162, § 18.
See Fendall's case, 16 C. Cls., —.

And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds.

—prevention of fraudulent issue of.

And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

—may be exchanged by commissioners for other indebtedness.

SEC. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section four of the act of the legislative assembly approved on the twenty-ninth day of May, eighteen hundred and seventy-three, is hereby annulled.

Certain authority of board of public works repealed, and no more sewer-certificates to be issued.
See Fendall's case, 16 C. Cls., —.

No property shall be advertised for sale or sold for the collection of any assessment authorized by the legislative assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor" approved on the twenty-sixth day of June, eighteen hundred and seventy-three, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.

NOTES.—(3) Section 5, here omitted, provided for a joint committee to prepare a form of government, whose duties have ended.

(4) Section 6, here omitted, created a board of audit, which was abolished by resolution of 1876, March 14, No. 4 (19 Stat. L., 211). *See Fendall's case*, 16 C. Cls.

Commissions of which governor was a member continued.

SEC. 9. That no board or commission of which the governor is ex officio a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board of commission.

Act of District legislature authorizing issue of certain bonds approved, &c.

SEC. 10. That the act of the legislative assembly of the District of Columbia entitled (5) "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same" approved June twentieth, eighteen hundred and seventy-two, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par. [*June* 20, 1874.]

(5) Under the act of the legislative assembly of June 20, 1872, here ratified and approved, there were issued what are called the "funding-loan bonds" of the District, to the amount of one million six hundred thousand dollars, in denominations of $50, $100, $500, and $1,000, bearing date November 1, 1872, and payable to bearer in thirty years from date (November 1, 1902), with six per cent. annual interest, in coin, payable semi-annually, on the first day of May and November. Coupons attached.

CHAPTER 339.

June 20, 1874.

AN ACT TO ENCOURAGE THE ESTABLISHMENT OF PUBLIC MARINE SCHOOLS.

18 Stat. L., 121.

Vessels for nautical school at certain ports to be furnished to States.
— officers of Navy may be detailed as instructors, &c., for.
— to be restored on discontinuance of school, &c.
— not to be used as places of punishment.

Vessels for nautical school at certain ports to be furnished to States.
R. S., § 417.
1881, March 3, ch. 141.

Be it enacted, &c., That the Secretary of the Navy, to promote nautical education, is hereby authorized and empowered to furnish, upon the application in writing of the Governor of the State, a suitable vessel of the Navy, with all her apparel, charts, books, and instruments of navigation, provided the same can be spared without detriment to the naval service, to be used for the benefit of any nautical school, or school or college having a nautical branch, established at each or any of the ports of New York, Boston, Philadelphia, Baltimore, Norfolk, and San Francisco, upon the condition that there shall be maintained, at such port, a school or branch of a school for the instruction of youths in navigation, seamanship, marine enginery and all matters pertaining to the proper construction, equipment and sailing of vessels or any particular branch thereof:

— officers of Navy may be detailed as instructors, &c., for.

And the President of the United States is hereby authorized, when in his opinion the same can be done without detriment to the public service, to detail proper officers of the Navy as superintendents of, or instructors in, such schools:

— to be restored on discontinuance of school, &c.

Provided, That if any such school shall be discontinued, or the good of the naval service shall require, such vessel shall be immediately restored to the Secretary of the Navy, and the officers so detailed recalled:

— not to be used as places of punishment.

And provided further, That no person shall be sentenced to, or received at, such schools as a punishment or commutation of punishment for crime. [*June* 20, 1874.]

CHAPTER 340.

June 20, 1874.

AN ACT TO CREATE TWO ADDITIONAL LAND DISTRICTS IN THE STATE OF KANSAS.

18 Stat. L., 121.

SECTION
1. Western land district of Kansas established.
2. Arkansas Valley land district in Kansas established.
3. Receivers and registers for said districts.

Western land district of Kansas established.

Be it enacted, &c.

[SECTION 1], That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of township

ten of range sixteen, and running thence west to the western boundary of the State; thence south, along said boundary line, to the fourth standard parallel; thence east, along said parallel line, to the southeast corner of Rush County; thence north to the place of beginning, be, and hereby is, constituted a new land district, to be called the western land district. R. S., § 2256, 2d ed., p. 409.

SEC. 2. That all the western portion of the State of Kansas, included as follows, to wit, commencing at the northeast corner of Barton County, and running thence west to the northwest corner of said county; thence south to the southwest corner of said county; thence west along the fourth standard parallel line to the western boundary of the State; thence south along said boundary-line to the southern boundary of the State; thence east along said boundary-line to the southeast corner of Barbour County; thence north to the place of beginning, be, and hereby is, constituted a new land-district, to be called the Arkansas Valley land-district; and shall, in addition, include in the district the lands lying in Rice and Reno counties. Arkansas Valley land district in Kansas established. R. S., § 2256, 2d ed., p. 409.

SEC. 3. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for each of said districts who shall discharge like and similar duties and receive the same amount of compensation allowed to other officers discharging like duties in the other land offices of said State. [*June* 20, 1874.] Registers and receivers for said districts. R. S., §§ 2234–2247.

CHAPTER 341.

AN ACT TO CREATE AN ADDITIONAL LAND DISTRICT IN THE TERRITORY OF COLORADO. June 20, 1874.

18 Stat. L., 122.

SECTION
1. Del Norte land district in Colorado established.
—office of, to be at Del Norte, but may be changed by President.
2. Register and receiver for.
3. Unfinished business in other districts relating to lands in, to be transferred to, &c.

Be it enacted, &c.

[SECTION 1], That all that part of the Territory of Colorado commencing at a point on the south boundary line of Colorado Territory between ranges sixty-nine and seventy west of the sixth principal meridian; thence running north to the northern boundary of township twenty-eight south; thence west, on a line between townships twenty-seven and twenty-eight south, to the western boundary of range seventy-three west; thence north, on said boundary of range seventy three west, to a point where the line between townships forty-eight and forty-nine north, New Mexico meridian, will intersect the same; thence west, between said townships forty-eight and forty-nine north, to the western boundary of the Territory; thence south, with said boundary line, to the southwest corner of the Territory; thence east, on the line of the southern boundary of the Territory, to the place of beginning, shall constitute a separate land district, to be called Del Norte land district, the office of which shall be located at Del Norte, in Conejos County: Del Norte land district in Colorado established. R. S., § 2256, 2d ed., p. 412.

Provided, That the President of the United States may change the location of said land office from time to time, as the public interest may require. —office of, to be at Del Norte, but may be changed by President.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and shall receive the same fees and emoluments as the like officers now receive in the other land districts in said Territory. —register and receiver for. R. S., § 2234.

SEC. 3. That all persons in said district who, prior to the opening of said Del Norte land office, shall have filed their declaratory statement or application for pre-emption or homestead rights in any other land Unfinished business in other districts relating to

lands in, to be transferred to, &c.

office in said Territory, shall thereafter make proofs and entries at said Del Norte land office; and all unfinished business in any other land office relating exclusively to lands in said Del Norte land district shall be transferred to said Del Norte land office when notified by the officers of the opening thereof. [*June* 20, 1874.]

CHAPTER 342.

AN ACT TO CREATE THE BOZEMAN LAND DISTRICT IN THE TERRITORY OF MONTANA.

June 20, 1874.

18 Stat. L., 123.

SECTION
1. Bozeman land district in Montana established.

SECTION
1. Bozeman district: office of.
2. Register and receiver for.

Be it enacted, &c.

Bozeman land district in Montana established.
R. R., § 2256, 2d ed., p. 413.

[SECTION 1], That all that portion of the Territory of Montana, lying east of the range line between ranges two and three west of the principal meridian and south of the first standard parallel north of the base line, of the public land surveys of said Territory, shall be constituted a separate land district, to be known as the Bozeman land district,

—office of.

The office of which shall be located at Bozeman, but may be changed from time to time, by the direction of the President of the United States, as the interests of the public service may require.

—register and receiver for.
R. S., § 2234.

SEC. 2. That the President shall appoint, by and with the consent of the Senate, a register and a receiver of the public moneys of the United States for said district; and said officers shall reside in the place where the land office is located, and they shall have the same powers and receive the same emoluments as are or may be prescribed by law in relation to land officers of the United States in other Territories. [*June* 20, 1874.]

CHAPTER 343.

AN ACT FIXING THE AMOUNT OF UNITED STATES NOTES, PROVIDING FOR A REDISTRIBUTION OF THE NATIONAL-BANK CURRENCY, AND FOR OTHER PURPOSES.

June 20, 1874.

18 Stat. L., 123.

SECTION
1. National-bank act.
2. Banks need not keep reserve on account of circulation.
3. To deposit in Treasury five per cent. on circulation for redemption thereof, and counted as reserve.
— notes of, to be redeemed on presentation at Treasury; how disposed of, &c.
— mutilated notes of, to be redeemed and destroyed, and others forwarded to the banks.
— to reimburse Treasury for cost of transporting and assorting notes, engraving, &c.

SECTION
3. Banks not to redeem notes elsewhere than at their own counters.
4. — how may withdraw circulation.
5. Charter number to be printed on notes.
6. Limit of issue of United States notes.
7. Equalization of apportionment of circulation.
8. Proceedings when bank fails to comply with requisition of Comptroller.
9. Redistribution of circulation withdrawn.

Be it enacted, &c.

National-bank act.
R. S., §§ 5133-5243.

[SECTION 1], That the act entitled(1) "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June third, eighteen hundred and sixty-four, shall hereafter be known as "the national-bank act."

Banks need not keep reserve on account of circulation.
R. S., §§ 5191, 5192.

SEC. 2. That section thirty one of the "the national-bank act" be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever, by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits in all respects, as provided for in the said section.

NOTE.—(1) The provisions of the act of 1864, ch. 106 (13 Stat. L., 99), here referred to, are incorporated into the Revised Statutes in the several sections noted in the margin.

Sec. 3. That every association organized, or to be organized, under the provisions of the said act, and of the several acts amendatory thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to five per centum of its circulation, to be held and used for the redemption of such circulation; which sum shall be counted as a part of its lawful reserve, as provided in section two of this act;

Banks to deposit in Treasury five per cent. on circulation, and counted as reserve.
R. S., §§ 5191, 5192.

And when the circulating notes of any such associations, assorted or unassorted, shall be presented for redemption, in sums of one thousand dollars, or any multiple thereof, to the Treasurer of the United States, the same shall be redeemed in United States notes. All notes so redeemed shall be charged by the Treasurer of the United States to the respective associations issuing the same, and he shall notify them severally, on the first day of each month, or oftener, at his discretion, of the amount of such redemptions; and whenever such redemptions for any association shall amount to the sum of five hundred dollars, such association so notified shall forthwith deposit with the Treasurer of the United States a sum in United States notes equal to the amount of its circulating-notes so redeemed.

—notes of, to be redeemed on presentation at Treasury; how disposed of, &c.
1875, March 3, ch. 130, § 3.

And all notes of national banks worn, defaced, mutilated, or otherwise unfit for circulation shall, when received by any assistant treasurer or at any designated depository of the United States, be forwarded to the Treasurer of the United States for redemption as provided herein. And when such redemptions have been so re-imbursed, the circulating-notes so redeemed shall be forwarded to the respective associations by which they were issued; but if any of such notes are worn, mutilated, defaced, or rendered otherwise unfit for use, they shall be forwarded to the Comptroller of the Currency and destroyed and replaced as now provided by law:

—mutilated notes of, to be redeemed and destroyed, and others forwarded to the banks.

Provided, That each of said associations shall re-imburse to the Treasury the charges for transportation, and the costs for assorting such notes; and the associations hereafter organized shall also severally re-imburse to the Treasury the cost of engraving such plates as shall be ordered by each association respectively; and the amount assessed upon each association shall be in proportion to the circulation redeemed, and be charged to the fund on deposit with the Treasurer:

—to reimburse Treasury for cost of transporting and assorting notes, engraving plates, &c.
1875, March 3, ch. 130, § 3.

And provided further, That so much of section thirty-two of said national-bank act requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided for in this section, is hereby repealed.

—not to redeem notes elsewhere than at their own counters.
R. S., §§ 5192, 5195, 5226.

Sec. 4. That any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes, in whole or in part, may, upon the deposit of lawful money with the Treasurer of the United States in sums of not less than nine thousand dollars, take up the bonds which said association has on deposit with the Treasurer for the security of such circulating notes; which bonds shall be assigned to the bank in the manner specified in the nineteenth section of the national-bank act; and the outstanding notes of said association, to an amount equal to the legal-tender notes deposited, shall be redeemed at the Treasury of the United States, and destroyed as now provided by law:

—how may withdraw circulation and take up bonds deposited.
R. S., §§ 5159, 5222.
16 Opin. Att'y Gen., 663.

Provided, That the amount of the bonds on deposit for circulation shall not be reduced below fifty thousand dollars.

Sec. 5. That the Comptroller of the Currency shall, under such rules and regulations as the Secretary of the Treasury may prescribe, cause the charter-numbers of the association to be printed upon all national-bank notes which may be hereafter issued by him.

—charter number to be printed on notes of.
R. S., § 5172.

Sec. 6. That the amount of United States notes outstanding and to be used as a part of the circulating-medium, shall not exceed the sum of three hundred and eighty-two million dollars, which said sum shall

Limit to issue of United States notes.
R. S., § 3582.

1875, Jan. 14, ch. 15, § 3.
1878, May 31, ch. 146.

appear in each monthly statement of the public debt, and no part thereof shall be held or used as a reserve.

Equalization of apportionment of circulation.
R. S., § 5179.
1875, Jan. 14, ch. 15, § 3.

SEC. 7. (2) (**Sup.**) [That so much of the act entitled "An act to provide for the redemption of the three per centum temporary loan certificates, and for an increase of national bank notes" as provides that no circulation shall be withdrawn under the provisions of section six (3) of said act, until after the fifty-four millions granted in section one of said act shall have been taken up, is hereby repealed; and it shall be the duty of the Comptroller of the Currency, under the direction of the Secretary of the Treasury, to proceed forthwith, and he is hereby authorized and required, from time to time, as applications shall be duly made therefor, and until the full amount of fifty-five million dollars shall be withdrawn, to make requisitions upon each of the national banks described in said section, and in the manner therein provided, organized in States having an excess of circulation, to withdraw and return so much of their circulation as by said act may be apportioned to be withdrawn from them, or, in lieu thereof, to deposit in the Treasury of the United States lawful money sufficient to redeem such circulation, and upon the return of the circulation required, or the deposit of lawful money, as herein provided, a proportionate amount of the bonds held to secure the circulation of such association as shall make such return or deposit shall be surrendered to it.]

Proceedings when bank fails to comply with requisition of Comptroller.
1875, Jan. 14, ch. 15, § 3.

SEC. 8. (**Sup.**) [That upon the failure of the national banks upon which requisition for circulation shall be made, or of any of them, to return the amount required, or to deposit in the Treasury lawful money to redeem the circulation required, within thirty days, the Comptroller of the Currency shall at once sell, as provided in section forty-nine of the national-currency act approved June third, eighteen hundred and sixty-four, bonds held to secure the redemption of the circulation of the association or associations which shall so fail, to an amount sufficient to redeem the circulation required of such association or associations, and with the proceeds, which shall be deposited in the Treasury of the United States, so much of the circulation of such association or associations shall be redeemed as will equal the amount required and not returned; and if there be any excess of proceeds over the amount required for such redemption, it shall be returned to the association or associations whose bonds shall have been sold. And it shall be the duty of the Treasurer, assistant treasurers, designated depositaries, and national bank depositaries of the United States, who shall be kept informed by the Comptroller of the Currency of such associations as shall fail to return circulation as required, to assort and return to the Treasury for redemption the notes of such associations as shall come into their hands until the amount required shall be redeemed, and in like manner to assort and return to the Treasury, for redemption, the notes of such national banks as have failed, or gone into voluntary liquidation for the purpose of winding up their affairs, and of such as shall hereafter so fail or go into liquidation.]

Redistribution of circulation withdrawn.
R. S., § 5178.
1875, Jan. 14, ch. 15, § 3.

SEC. 9. (**Sup.**) [That from and after the passage of this act it shall be lawful for the Comptroller of the Currency, and he is hereby required, to issue circulating-notes, without delay, as applications therefor are made, not to exceed the sum of fifty-five million dollars, to associations organized, or to be organized, in those States and Territories having less than their proportion of circulation, under an apportionment made on the basis of population and of wealth, as shown by the returns of the census of eighteen hundred and seventy; and every association hereafter organized shall be subject to, and be governed by, the rules,

NOTES.—(2) Sections 7, 8, and 9 are superseded and rendered inoperative by the act of 1875, January 14, ch. 15, § 3.

(3) The provision of the act of 1870, ch. 252, § 6 (16 Stat. L., 253), here referred to, is incorporated into Revised Statutes in section 5179, noted in the margin.

restrictions, and limitations, and possess the rights, privileges, and franchises, now or hereafter to be prescribed by law as to national banking associations, with the same power to amend, alter, and repeal provided by "the national bank act:" *Provided*, That the whole amount of circulation withdrawn and redeemed from banks transacting business shall not exceed fifty-five million dollars, and that such circulation shall be withdrawn and redeemed as it shall be necessary to supply the circulation previously issued to the banks in those States having less than their apportionment: *And provided further*, That not more that thirty million dollars shall be withdrawn and redeemed as herein contemplated during the fiscal year ending June thirtieth, eighteen hundred and seventy-five] [*June* 20, 1874.]

CHAPTER 344.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF LIFE-SAVING STATIONS AND HOUSES OF REFUGE UPON THE SEA AND LAKE COASTS OF THE UNITED STATES, AND TO PROMOTE THE EFFICIENCY OF THE LIFE-SAVING SERVICE.

June 20, 1874.
18 Stat. L., 125.

SECTION
1. Life-saving and life-boat stations and houses of refuge in Delaware, Maryland, Virginia, Florida, Washington Territory, Oregon, California, and on Lakes Ontario, Erie, Huron, Michigan, and Superior.
2. Superintendents on coasts and keepers of stations, &c.
3. — their compensation.
4. Assistant superintendent for coast of Long Island and Rhode Island.
5. Crews and surfmen.
6. Volunteer crews may be accepted, paid, and given medals in certain cases.
7. Medals of honor may be given to persons who endanger their own lives to save others at sea.
8. Regulations for life-saving service.
9. Disposal of condemned articles.
10. Owners, agents, or masters of vessels to report accidents to collectors of customs.
— penalty on, for neglect.
11. — to report to collector probable loss of vessels, &c.
— penalty on, for neglect.
12. Collectors to transmit to Secretary of Treasury reports received, and to report neglects, refusals, &c.
13. Penalties, how may be remitted, mitigated, &c.
— how prosecuted for.

Be it enacted, &c.

[SECTION 1], That the Secretary of the Treasury is hereby authorized to establish life-saving stations, life-boat stations, and houses of refuge, for the better preservation of life and property from shipwreck, at or in the vicinity of the following-named points upon the sea and lake coasts of the United States, namely: 1881, March 2, ch. 111. R. S., §§ 4242–4251.

Life-saving and life-boat stations and houses of refuge to be established on coast of.

ON THE COAST OF DELAWARE.

Cape Henlopen, a complete life-saving station; Indian River, a complete life-saving station.

Delaware; 1878, June 18, ch. 265, § 1.

ON THE COAST OF MARYLAND.

Green Run Inlet, a complete life-saving station.

Maryland; 1878, June 18, ch. 265, § 1.

ON THE COAST OF VIRGINIA.

Chincoteague, a complete life-saving station; Watchapreague Inlet, a complete life-saving station; Hog Island, a complete life-saving station; Sandy Shoal Island, a complete life-saving station; Smith's Island, a complete life-saving station.

Virginia; 1878, June 18, ch. 265, § 1.

ON THE COAST OF FLORIDA.

About eighteen miles north of Indian River Inlet, a house of refuge; Gilbert's Bar, a house of refuge; near Orange Grove, a house of refuge; between Hillsborough and New River Inlet, a house of refuge; about ten miles south of New River Inlet, a house of refuge.

Florida;

ON THE COAST OF WASHINGTON TERRITORY.

Neah Bay, a life-boat station; Shoalwater Bay, a life-boat station; Cape Disappointment, a life boat station.

Washington Territory;

ON THE COAST OF OREGON.

Cape Arago, a life-boat station.

Oregon;

California; *See* 1878, June 18, ch. 265, § 1.

ON THE COAST OF CALIFORNIA.

Humboldt Bay, a life-boat station; (**Rep.**) [Point Reyes,] a life-boat station; between Point Lobos and Point San Pedro, a life-boat station; Point Concepcion, near the light house, a life-boat station.

Lake Ontario;

ON THE COAST OF LAKE ONTARIO.

Mexico Bay, about seven miles westward of Stony Point, a complete life-saving station; Mexico Bay, about seven miles eastward of Nine Mile Point, a complete life-saving station; Oswego, a life-boat station; Charlotte, a life-boat station.

Lake Erie;

ON THE COAST OF LAKE ERIE.

Buffalo, a life-boat station; Presque Isle, a complete life-saving station; Fairport, a life-boat station; Cleveland, a life-boat station; Marblehead, (Sandusky,) a life-boat station.

Lake Huron; 1878, June 18, ch. 265, § 1.

ON THE COAST OF LAKE HURON.

Point aux Barques, a complete life-saving station; Tawas, a complete life saving station; Sturgeon Point, a complete life-saving station; North Point, Thunder Bay, a life-boat station; Forty-Mile Point, a complete life-saving station.

Lake Michigan; 1878, June 18, ch. 265, § 1.

ON THE COAST OF LAKE MICHIGAN.

Beaver Island, a life boat station; North Manitou Island, a life-boat station, Point aux Bec Scies, a complete life-saving station; Grande Pointe au Sauble, a complete life-saving station. Grand Haven, a life-boat station; Saint Joseph's, a life-boat station; Chicago, a life-boat station; Grosse Point, a complete life-saving station; Racine, a life-boat station; Milwaukee, a life-boat station; Sheboygan, a life-boat station; Twin Rivers Point, a life-boat station.

Lake Superior. 1878, June 18, ch. 265, § 1.

ON THE COAST OF LAKE SUPERIOR.

Between White Fish Point and Point au Sauble, four complete life-saving stations.

Superintendents on the coasts and keepers of stations, &c. R. S., § 4243.

SEC. 2. That the Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the Life-Saving Service, and the protection of the public property at the stations and houses of refuge herein authorized to be established, to appoint one superintendent for the coasts of Delaware and Virginia, one for the coast of Florida, one for the coasts of Lakes Erie and Ontario, one for the coasts of Lakes Huron and Superior, and one for the coast of Lake Michigan, and also a keeper for each of said stations and houses of refuge;

And the said superintendents shall have the powers, and perform the duties of inspectors of customs.

—their compensation.

SEC. 3. That the compensation of each of the superintendents, to be appointed under the provisions of the preceding section, shall not exceed one thousand dollars per annum; and the compensation of the keepers shall not exceed two hundred dollars per annum, except that those employed at the houses of refuge on the Florida coast shall reside in said houses and receive a compensation at the rate of forty dollars per month.

Assistant superintendent for coast of Long Island and Rhode Island.

SEC. 4. That the Secretary of the Treasury is hereby authorized to appoint an assistant to the superintendent of the coast of Long Island and Rhode Island, who shall perform the duties required of the superintendent at the life-saving stations within the State of Rhode Island, and reside on Block Island, and for his services he shall receive an annual salary of five hundred dollars.

Crews and surfmen.

SEC. 5. That the Secretary of the Treasury is hereby authorized to employ crews of experienced surfmen at such of the stations herein denominated complete stations and at such of the life-boat stations on the Pacific coast as he may deem necessary and proper, for such periods, and at such compensation, not to exceed forty dollars per month, as he may deem necessary and reasonable.

Volunteer crews may be accepted,

SEC. 6. That the Secretary of the Treasury may accept the services of volunteer crews at any of the life-boat stations herein authorized, who

shall be subject to the rules and regulations governing the Life-Saving Service; and a list of the names of each crew shall be kept in the office of the Secretary of the Treasury.

paid, and given medals in certain cases.

1878, June 18, ch. 265, § 10.

Such volunteers shall receive no compensation except a sum of not more than ten dollars each for every occasion upon which they shall have been instrumental in saving human life, and such of the medals herein authorized as they may be entitled to under the provisions hereinafter made:

Provided, That no payment shall be made to any person who shall not have actually participated in the efforts to save the life or lives rescued.

Medals of honor may be given to persons who endanger their own lives to save others at sea.

1878, June 18, ch. 265, §12.

Sec. 7. That the Secretary of the Treasury is hereby directed to cause to be prepared medals of honor, with suitable devices, to be distinguished as life-saving medals of the first and second class, which shall be bestowed upon any persons who shall hereafter endanger their own lives in saving, or endeavouring to save lives from perils of the sea, within the United States, or upon any American vessel:

Provided, That the medal of the first class shall be confined to cases of extreme and heroic daring; and that the medal of the second class shall be given in cases not sufficiently distinguished to deserve the medal of the first class:

Provided, also, That no award of either medal shall be made to any person until sufficient evidence of his deserving shall have been filed with the Secretary of the Treasury and entered upon the records of the Department.

Regulations for life-saving service.

Sec. 8. That the Secretary of the Treasury is hereby authorized to make all necessary regulations for the government of the Life-Saving Service not inconsistent with law.

Disposal of condemned articles.

R. S., §§ 3618, 3672, 3692.

1878, June 18, ch. 265, § 3.

Sec. 9. That the Secretary of the Treasury is hereby authorized to dispose of, to the best advantage, after due condemnation by board of survey, such articles or materials belonging to the Life-Saving Service as may, from long continued use or other cause, become unserviceable and the proceeds of such sale shall be covered into the Treasury.

Owners, agents, or masters of vessels to report accidents to collectors of customs.

Sec. 10. That from and after the first day of July, eighteen hundred and seventy-four, whenever any vessel of the United States has sustained or caused any accident involving the loss of life, the material loss of property, or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency, the managing owner, agent, or master of such vessel, shall within five days after the happening of such accident or damage, or as soon thereafter as possible, send, by letter to the collector of customs of the district wherein such vessel belongs or of that within which such accident or damage occurred, a report thereof, signed by such owner, agent, or master, stating the name and official number (if any) of the vessel, the port to which she belongs, the place where she was, the nature and probable occasion of the casualty, the number and names of those lost, and the estimated amount of loss or damage to the vessel or cargo; and shall furnish, upon the request of either of such collectors of customs, such other information concerning the vessel, her cargo, and the casualty as may be called for;

—penalty on, for neglect.

And if he neglect or refuse to comply with the foregoing requirements after a reasonable time, he shall incur a penalty of one hundred dollars.

—to report to collector probable loss of vessels, &c.

Sec. 11. That whenever the managing owner or agent of any vessel of the United States has reason, owing to the non-appearance of such vessel, or to any other circumstance, to apprehend that such vessel has been lost, he shall, as soon as conveniently may be, send notice, in writing, to the collector of customs of the port to which said vessel belonged, of such loss, and the probable occasion thereof stating the name and the official number (if any) of the vessel, and the names of all persons on board, so far as the same can be ascertained, and shall furnish, upon request of the collector of such port, such additional information as he may be able;

—penalty on, for neglect.

And if he neglect to comply with the above requirements within a reasonable time, he shall incur a penalty of one hundred dollars.

Collectors to transmit to Secre-

Sec. 12. That it shall be the duty of the collectors of customs to immediately transmit to the Secretary of the Treasury such reports and

tary of Treasury reports received, and to report neglects, refusals, &c.

information as they may receive under the provisions of the two preceding sections, and they shall also report to the Secretary of the Treasury any neglect or refusal on the part of the managing owner, agent, or master of any vessel of the United States to comply with the requirements thereof.

Penalties, how may be remitted, mitigated, &c.

SEC. 13. That the Secretary of the Treasury may, upon application therefor, remit or mitigate any penalty provided for in this act, or discontinue any prosecution to recover the same, upon such terms as he, in his discretion, shall think proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may think proper;

—how prosecuted for.

R. S., § 563, par. 3.

All penalties hereinbefore provided shall be prosecuted by indictment or information before the proper district court for the use of the United States. [*June* 20, 1874.]

CHAPTER 346.

June 20, 1874.

18 Stat. L., 129.

AN ACT TO ASCERTAIN THE POSSESSORY RIGHTS OF THE HUDSON'S BAY COMPANY AND OTHER BRITISH SUBJECTS WITHIN THE LIMITS WHICH WERE THE SUBJECT OF THE AWARD OF HIS MAJESTY THE EMPEROR OF GERMANY UNDER THE TREATY OF WASHINGTON OF MAY EIGHT, EIGHTEEN HUNDRED AND SEVENTY-ONE, AND FOR OTHER PURPOSES.

SECTION

Preamble.
1. List of British subjects in occupancy of lands confirmed to United States by award of Emperor of Germany, to be made by commissioner.
Testimony, how taken.
Witnesses may be summoned.
2. Compensation of commissioner.
3. British subjects whose claims are approved may purchase lands.
4. Entries, how made.
—rights forfeited under, and payments made, &c.
5. Regulations to be made by Secretary of Interior.

Preamble.

Treaty (9 Stat. L., 869).

Whereas it was stipulated by article one of the treaty concluded at Washington on the fifteenth day of June, eighteen hundred and forty-six, between the United States and Great Britain, that the line of boundary between the territories of the United States and Her Britannic Majesty, from the point on the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean;"

Treaty, Art. 34 (17 Stat. L., 874).

And whereas by article three of the treaty aforesaid, it was stipulated that "in the future appropriation of the territory south of the forty-ninth parallel of north latitude, as provided in the first article of this treaty, the possessory rights of the Hudson's Bay Company, and of all British subjects who may be in the occupation of land or other property lawfully acquired within the said territory, shall be respected;"

And whereas by article thirty-four of the treaty concluded at Washington on the eighth day of May, eighteen hundred and seventy-one, the question of where "the boundary which runs southerly through the middle of the channel aforesaid" should be located was submitted to His Majesty the Emperor of Germany, whose decision was to be final and without appeal;

And whereas by the award of His Majesty the Emperor of Germany of October twenty-first, eighteen hundred and seventy two, said boundary was established, and it now devolves upon the United States to discharge its treaty obligations: Therefore,

Be it enacted, &c.

List of British subjects in occupancy of lands confirmed to United States by award of Emperor of Germany to be

[SECTION 1], That a commissioner be appointed by the President of the United States, to make, and report to the Secretary of the Interior, a list of all British subjects who, on the fifteenth day of June, eighteen hundred and forty-six, were in the occupation of land, lawfully acquired, within the limits which were the subject of the award of His Majesty the Emperor of Germany, together with a description of the land actu-

ally occupied by each at said date; and said commissioner shall proceed to the vicinity of the land in question, and there receive proof of the occupancy of such land and of the mode by which such occupancy was acquired, after first giving reasonable notice as to the said matters to be so reported by him. made by commissioner, &c.

Such proof shall consist of oral testimony under oath and such documentary proofs as the said occupants may present.

The testimony of all witnesses shall be reduced to writing and all documentary proof offered by the parties and received by the commissioner shall be attached to the deposition of the party offering such proofs, which testimony and proofs shall be submitted by said commissioner with his report, and such report shall be subject to review by the Secretary of the Interior, whose action thereon shall be final. Testimony, how taken, &c.

For the purposes of this act, the said commissioner shall have authority to subpœna witnesses and to administer oaths and take testimony. Witnesses may be summoned.

SEC. 2. That said commissioner shall receive for his services ten dollars per diem, together with traveling expenses at the rate of ten cents per mile, for the distance actually traveled in the execution of said commission; and the sum of one thousand dollars is hereby appropriated from any unappropriated money in the Treasury to defray such expenses. Compensation of commissioner.

SEC. 3. That all British subjects whose claims shall be approved by the Secretary, as provided in section one of this act, shall be allowed to purchase from the United States the land so designated at any time within one year from such approval, at the ordinary minimum price per acre where the lands are situated outside railroad limits, and at double minimum price where the lands are within railroad limits. British subjects, whose claims are approved, may purchase lands.

SEC. 4. That such entries shall be according to legal subdivisions, so as to include the improvements of such occupants; and where two or more parties shall have improvements on the same smallest legal subdivision, they may make a joint entry thereof: Entries, how made.

Provided, That in case entry and payment are not made within one year from the date of such approval by the Secretary of the Interior, then all possessory rights named in article three of the treaty of June fifteenth, eighteen hundred and forty-six, shall be considered forfeited, and the lands shall thereafter be deemed and treated as a part of the public domain, to be disposed of as other lands. Rights forfeited under entry and payment made, &c.

SEC. 5. That it shall be the duty of the Secretary of the Interior to make all needful regulations to give effect to the provisions of this act. [*June* 20, 1874.] Regulations to be made by Secretary of Interior.

CHAPTER 388.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE SERVICE OF THE GOVERNMENT FOR THE FISCAL YEARS ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-THREE AND EIGHTEEN HUNDRED AND SEVENTY-FOUR, AND FOR OTHER PURPOSES.

June 22, 1874.

18 Stat. L., 133.

Par. 1. Extra sessions of Territorial legislatures not to be called without approval by President.
2. Money received for lands in township 51 north, of range 31 west, to be expended for purposes of education, &c., of Chippewa Indians.
3. Orphans' Home in Washington; what orphans to be admitted and for what time.
4. Contracts for rent of buildings in Washington not to be made without previous appropriation.
5. Pay for reporting proceedings of Congress and of committees of the House.

Be it enacted, &c., * * *

[*Par.* 1.] Hereafter no extraordinary session of the legislature of any Territory, wherever the same is now authorized by law, shall be called until the reasons for the same have been presented to the President of the United States, and his approval thereof has been duly given. Extra sessions of Territorial legislatures not to be called without approval by President. R. S., §§ 1846, 1923.

* * * * * * *

[*Par.* 2.] For the L'Anse and Vieux de Sert bands of Chippewas of Lake Superior, at the rate of one dollar and twenty-five cents an acre Money received for lands in town-

ship 51 N., of range 31 W., to be expended for purposes of education, &c., of Chippewa Indians.
Treaty (10 Stat. L., 1109).
1880, April 1, ch. 41. May 11, ch. 85, § 6.

for all the lands in township fifty-one north, of range thirty-one west, which are not included in the limits of the reservation of said Indians as defined by the wording of the treaty of September thirtieth, eighteen hundred and fifty-four: *Provided*, That the money received for the lands in said township shall be expended for educational and beneficial purposes as the President may direct, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

* * * * * * *

Orphans' Home, Washington; what orphans to be admitted, and for what time,
1866, ch. 249, § 3.
1867, ch. 62 (14 S. L., 247, 401).
1878, June 20, ch. 359, par. 3.

[*Par.* 3.] For the Soldiers' and Sailors' Orphans' Home, Washington City, District of Columbia, * * *

Provided, That hereafter no child or children shall be admitted into said home except "the destitute orphans of soldiers and sailors who have died in the late war on behalf of the Union of these States," as provided for in section three of the act entitled "An act to incorporate the National Soldiers' and Sailors' Orphans' Home," approved July twenty-fifth, eighteen hundred and sixty-six;

And provided further, That no child not an invalid shall remain in said home after having attained the age of sixteen years. * * *

Contracts for rent of buildings in Washington not to be made without previous appropriation.
R. S., §§ 3679, 3732. 1877, March 3, ch. 106. 1880, June 15, ch. 225. 13 C. Cls., 166. 98 U. S., 104.

[*Par.* 4.] Hereafter no contract shall be made for the rent of any building, or part of any building, in Washington, not now in use by the Government, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress.

* * * * * * *

Pay for reporting proceedings of Congress and of committees of the House.
R. S., § 54.
1874, Jan. 28, ch. 16, § 3.

[*Par.* 5.] Hereafter the pay of the official reporters of the proceedings and debates of each House shall be fifty thousand dollars for each Congress; and the pay of official reporters of committees of the House shall be five thousand dollars each per annum, and this shall be in lieu of all other compensation for such services in reporting the proceedings of each and all of said committees. * * * [*June* 22, 1874.

CHAPTER 389.

June 22, 1874.
18 Stat. L., 173, 176.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

SECTION
1. Proceeds of sale of lands in Bitter Root Valley, how disposed of.
2. Indians required to perform service on reservation for themselves or tribe.
— allowances for, how distributed to.
— may be excepted from requirement by Secretary of Interior.
4. Indian agents to make oath as to certain facts in rendering accounts.
Indian agents: before whom may take oath.
6. Bidders on account of Indian service in amounts exceeding $5,000 to accompany bids with certified checks.
Disposition of such checks after contracts awarded.
10. Employés, &c., of United States not to be interested in Indian contracts, &c.
Penalty for violation.

Be it enacted, &c., * * *

Proceeds of sale of lands in Bitter Root Valley, how disposed of.
1872, ch. 308, § 2 (17 Stat. L., 227).

[SECTION 1.] * * * *Provided*, That the proceeds of the sales of land in Bitter Root Valley, Montana Territory, referred to in the second section of the act of Congress approved June fifth, eighteen hundred and seventy two, entitled "An act to provide for the removal of the Flathead and other Indians from Bitter Root Valley, in the Territory of Montana," shall be paid into the Treasury of the United States; in the same manner that other moneys derived from the sale of other public lands are now paid in: *And provided further*, That in lieu of the amount provided to be set apart therefrom by the act of Congress of June fifth, eighteen hundred and seventy-two, hereinbefore referred to, there shall be annually appropriated, out of any money in the Treasury of the United States, not otherwise appropriated, the sum of five thousand dollars, for the period of ten years, to be expended, under the direction of the Presi-

Annuity, and how expended.

dent, in the manner deemed for the best good of the Indians who have been removed from Bitter Root Valley: *And provided further*, That no part of said sum shall be paid to any Indian of said tribe who shall not have settled upon the Jocko reservation. * * *

Indians required to perform service on reservation for themselves or tribe.
R. S., §§ 2079-2110.

SEC. 3. That for the purpose of inducing Indians to labor and become self-supporting, it is hereby provided that in distributing the supplies to the Indians for whom the same are appropriated, the agent distributing the same shall require all able-bodied male Indians, between the ages of eighteen and forty-five, to perform service upon the reservation, for the benefit of themselves or of the tribe, at a reasonable rate, to be fixed by the agent in charge, and to an amount equal in value to the supplies to be delivered.

—allowances for, how distributed to.

And the allowances provided for such Indians shall be distributed to them only upon condition of the performance of such labor, under such rules and regulations as the agent may prescribe:

—may be excepted from requirement by Secretary of Interior.

Provided, That the Secretary of the Interior may, by written order, except any particular tribe from the operation of this provision where he deems it proper and expedient. * * *

Indian agents to make oath as to certain facts in rendering accounts.
R. S., §§ 2058, 2091.

SEC. 4. * * * Indian agents shall be required to state, under oath, upon rendering their quarterly accounts, that the number of employees claimed for were actually and bona fide employed at the agency and at the salary claimed; and that such agent does not, directly or indirectly, receive any part of the compensation claimed for any other employee, or any pecuniary benefit therefrom:

—before whom may take oath.

Provided, That where there is no officer in the vicinity of an agency who is authorized to administer oaths, the Secretary of the Interior may direct such returns to be made under the certificate of the agent. * *

Bidders on account of Indian service in amounts exceeding $5,000 to accompany bids with certified checks.
R. S., § 3709.
1875, March 3, ch. 332, § 9.

SECTION 6. * * * *Provided*, That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of five thousand dollars, shall accompany their bids with a certified check or draft payable to the order of the Commissioner of Indian Affairs, upon some United States depository or solvent national bank, which check or draft shall be five per centum on the amount of the goods, supplies, transportation and so forth, as aforesaid;

Disposition of such checks after contracts awarded.

And in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States; but if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder. * * *

Employés, &c., of United States not to be interested in Indian contracts, &c.
R. S., §§ 2079-2110, 3739.

SEC. 10. That no agent or employee of the United States Government, or of any of the Departments thereof, while in the service of the Government, shall have any interest, directly or indirectly, contingent or absolute, near or remote, in any contract made, or under negotiation, with the Government, or with the Indians, for the purchase or transportation or delivery of goods or supplies for the Indians, or for the removal of the Indians; nor shall any such agent or employee collude with any person who may attempt to obtain any such contract for the purpose of enabling such person to obtain the same.

Penalty for violation.

The violation of any of the provisions of this section shall be a misdemeanor, and shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, and by removal from office; and, in addition thereto, the court shall, in its discretion, have the power to punish by imprisonment of not more than six months. * * *

[*June* 22, 1874.]

CHAPTER 390.

June 22, 1874.

18 Stat. L., 178.

AN ACT TO AMEND AND SUPPLEMENT AN ACT ENTITLED "AN ACT TO ESTABLISH A UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES," APPROVED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND FOR OTHER PURPOSES.(1)

SECTION

1. Bankrupt law amended.
   Receiver or assignee may be authorized to carry on business not exceeding nine months.
2. Legal, not equitable, debts not exceeding $500 may, by direction of court, be collected in State courts.
3. Circuit and district courts to have concurrent jurisdiction of all actions by assignees.
4. Sales by assignee to be by auction, unless, &c.
   — notice of, how given.
   — supervisory power over, to be in the court.
   — of real estate, may be made for part cash and part credit, &c.
   Assignees to keep accounts.
   — penalties on, for neglect, fraud by, and for conspiring.
   — to report condition of estate once in three months.
   — to account for interest, &c.
   — on settlement of account to file oath, and may be examined, &c.
5. Notice of bankruptcy and of issuing warrant, how given.
6. Set-off not allowed of claims purchased after bankruptcy, &c.
7. Proof of claim not waiver of right of action when discharge not granted.
8. Parties may be witnesses in all cases under bankrupt law.
9. Discharge, how granted to involuntary bankrupt.
   — to voluntary bankrupts.
10. In involuntary bankruptcy preferences within two, or fraudulent transfers within three, months before petition, void.
11. Certain conveyances made to persons knowing they are in fraud of bankrupt law, void.
12. Involuntary bankrupts may be adjudged such, for what acts.
   — on petition of creditors within six months after act of bankruptcy.
   Proceedings on petition when allegation as to number of creditors is denied.
   — if admitted.
   — when number, &c., of creditors insufficient.
   Assignee may recover property fraudulently conveyed, &c.
   Petition, how verified.
   — computation of number of creditors, to be joined in.
13. Proceedings on return of order to show cause on petition for involuntary adjudication of bankruptcy.
14. — debtor may have jury to try certain issues upon.
15. Bankrupt to submit valuation with inventory.
16. In Territories, district courts to have jurisdiction instead of supreme courts.

COMPOSITION WITH CREDITORS.

17. Composition on resolution of creditors, how effected.
   — computation of majority for purposes of.
   Debtor to be present at meetings, answer inquiries, &c.
   Resolution and debtor's statement to be presented to court, and proceedings thereon.
   Creditors may change provisions of composition.
   Provisions of composition, upon whom binding.
   Debtor, how to describe debts when holders are unknown.
   — how may correct mistakes in statement.
   Composition to provide for pro rata payment, &c.
   — how enforced.
   — rules in relation to, may be made by court.
   — may be set aside or not confirmed by court, &c.
18. Fees reduced one-half until Supreme Court makes new rules.
   Supreme Court to simplify and consolidate duties of officers.
   Who are prohibited from being counsel in bankruptcy cases, &c.
   — and from being executors, guardians, &c.
   Limitation of power of Supreme Court to regulate fees repealed.
19. Marshal to report annually to clerk of district court.
   Register's report.
   Assignee's report.
   Clerk to make annual statement.
   — to report cases begun.
   — to make statement of fees, &c.
   Reports to be signed and sworn to.
   — to be transmitted by clerk to Attorney-General.
   Penalty for violating provisions of this section.
20. Notaries-public may take proof of debts.
21. Repeal of inconsistent provisions.

Be it enacted, &c.

Bankrupt law amended. R. S., §§ 4972–5132.

[SECTION 1], That the act entitled(1) "An act to establish a uniform system of bankruptcy throughout the United States", approved March second, eighteen hundred and sixty-seven, be, and the same is hereby, amended and supplemented as follows:

Receiver or assignee may be authorized to carry on business not exceeding nine months. R. S., § 5062.

That the court may, in its discretion, on sufficient cause shown, and upon notice and hearing, direct the receiver or assignee to take possession of the property, and carry on the business of the debtor, or any part thereof, under the direction of the court, when, in its judgment, the interest of the estate as well as of the creditors will be promoted thereby, but not for a period exceeding nine months from the time the debtor shall have been declared a bankrupt:

Provided, That such order shall not be made until the court shall be satisfied that it is approved by a majority in value of the creditors.

Legal, not equitable, debts not exceeding $500 may, by direction of court, be collected in State courts.

SEC. 2. That section one of said act be, and it is hereby, amended by adding thereto the following words: "*Provided*, That the court having charge of the estate of any bankrupt may direct that any of the legal assets or debts of the bankrupt, as contradistinguished from equit-

NOTE.—(1) The provisions of the bankrupt law referred to in this act, 1867, March 2, ch. 176 (14 Stat. L., 517), are incorporated into the Revised Statutes in the sections noted in the margin.
The whole bankrupt law was repealed by act of 1878, June 7, ch. 160.

able demands, shall, when such debt does not exceed five hundred dollars, be collected in the courts of the State where such bankrupt resides having jurisdiction of claims of such nature and amount." R. S., § 711, par. 6.

5047. 119 Mass., 435. 17 N. Y. Supreme, 277. 20 N. Y. Supreme, 1210. 31 La., 215. 72 N. Y., 159. 73 N. Y., 226. 10 Hun., 277. 49 394. 12 Hun., 220. 13 Hun., 363. 19 Hun., 622. R. S., §§ 4979, 263. 30 La., 75, Md., 51. 11 Hun.,

Circuit and district courts to have concurrent jurisdiction of all action by assignees. R. S., § 4979.

SEC. 3. That section two of said act(1) be, and it hereby is, amended by striking out, in line ten, the words "the same," and inserting the word "any"; and by adding next after the words "adverse interest," in line twelve, the words "or owing any debt to such bankrupt."

Sales by assignee to be at auction unless, &c. R. S., §§ 5062-5065.

SEC. 4. That unless otherwise ordered by the court, the assignee shall sell the property of the bankrupt, whether real or personal, at public auction, in such parts or parcels and at such times and places as shall be best calculated to produce the greatest amount with the least expense.

—notice of, how given.

All notices of public sales under this act by any assignee or officer of the court shall be published once a week for three consecutive weeks in the newspaper or newspapers, to be designated by the judge, which, in his opinion, shall be best calculated to give general notice of the sale.

—supervisory power over, to be in the court.

And the court, on the application of any party in interest, shall have complete supervisory power over such sales, including the power to set aside the same and to order a re-sale, so that the property sold shall realize the largest sum.

—of real estate may be made for part cash and part credit, &c.

And the court may, in its discretion, order any real estate of the bankrupt, or any part thereof, to be sold for one-fourth cash at the time of sale, and the residue within eighteen months in such instalments as the court may direct, bearing interest at the rate of seven per centum per annum, and secured by proper mortgage or lien upon the property so sold.

Assignees to keep accounts.

And it shall be the duty of every assignee to keep a regular account of all moneys received or expended by him as such assignee, to which account every creditor shall, at reasonable times, have free access.

—penalties on, for neglect, fraud by, and for conspiring. R. S., § 5039.

If any assignee shall fail or neglect to well and faithfully discharge his duties in the sale or disposition of property as above contemplated, it shall be the duty of the court to remove such assignee, and he shall forfeit all fees and emoluments to which he might be entitled in connection with such sale. And if any assignee shall, in any manner, in violation of his duty aforesaid, unfairly or wrongfully sell or dispose of, or in any manner fraudulently or corruptly combine, conspire, or agree with any person or persons, with intent to unfairly or wrongfully sell or dispose of the property committed to his charge, he shall, upon proof thereof, be removed, and forfeit all fees or other compensation for any and all services in connection with such bankrupt's estate, and, upon conviction thereof before any court of competent jurisdiction, shall be liable to a fine of not more than ten thousand dollars, or imprisonment in the penitentiary for a term of not exceeding two years, or both fine and imprisonment, at the discretion of the court. And any person so combining, conspiring, or agreeing with such assignee for the purpose aforesaid shall, upon conviction, be liable to a like punishment.

—to report condition of estate once in three months.

That the assignee shall report, under oath, to the court, at least as often as once in three months, the condition of the estate in his charge, and the state of his accounts in detail, and at all other times when the court, on motion or otherwise, shall so order.

—to account for interest, &c.

And on any settlement of the accounts of any assignee, he shall be required to account for all interest, benefit, or advantage received, or in any manner agreed to be received, directly or indirectly, from the use, disposal, or proceeds of the bankrupt's estate.

—on settlement of account to file oath and may be examined, &c.

And he shall be required, upon such settlement, to make and file in court an affidavit declaring, according to the truth, whether he has or has not, as the case may be, received, or is or is not, as the case may be, to receive, directly or indirectly, any interest, benefit, or advantage from the use or deposit of such funds; and such assignee may be examined

NOTE.—(1) The provisions of the bankrupt law referred to in this act are incorporated into the Revised Statutes in the sections noted in the margin.

orally upon the same subject, and if he shall willfully swear falsely, either in such affidavit or examination, or to his report provided for in this section, he shall be deemed to be guilty of perjury, and, on conviction thereof, be punished by imprisonment in the penitentiary not less than one and not more than five years.

Notices of bankruptcy and of issuing warrant, how given.
R. S., § 5019.

SEC. 5. That section eleven of said act (1) be amended by striking out the words "as the warrant specifies," where they first occur, and inserting the words "as the marshal shall select, not exceeding two"; and inserting after the word "specifies" where it last occurs the words "But whenever the creditors of the bankrupt are so numerous as to make any notice now required by law to them, by mail or otherwise, a great and disproportionate expense to the estate, the court may, in lieu thereof, in its discretion, order such notice to be given by publication in a newspaper or newspapers, to all such creditors whose claims, as reported, do not exceed the sums, respectively, of fifty dollars."

Set-off not allowed of claims purchased after bankruptcy, &c.
R. S., §§ 5073, 5075.

SEC. 6. That the first clause of section twenty of said act (1) be amended by adding, at the end thereof, the words "or in cases of compulsory bankruptcy, after the act of bankruptcy upon or in respect of which the adjudication shall be made, and with a view of making such set-off."

Proof of claim not waiver of right of action when discharge not granted.
R. S., § 5105.
13 Hun., 596.
123 Mass., 278.
124 Mass., 99.

SEC. 7. That section twenty-one of said act (1) be amended by inserting the following words in line six, immediately after "thereby": "But a creditor proving his debt or claim shall not be held to have waived his right of action or suit against the bankrupt where a discharge has been refused or the proceedings have been determined without a discharge".

Parties may be witnesses in all cases under bankrupt law.
R. S., §§ 858, 5087, 5088, 5107. 3 Hughes, 285.

SEC. 8. That the following words shall be added to section twenty-six of said act (1): "That in all causes and trials arising or ordered under this act, the alleged bankrupt, and any party thereto, shall be a competent witness".

Discharge, how granted to involuntary bankrupt.
R. S., § 5112.
6 Bissell, 185.
3 Dillon, 3, 145.

SEC. 9. That in cases of compulsory or involuntary bankruptcy, the provisions of said act,(1) and any amendment thereof, or of any supplement thereto, requiring the payment of any proportion of the debts of the bankrupt, or the assent of any portion of his creditors, as a condition of his discharge from his debts, shall not apply; but he may, if otherwise entitled thereto, be discharged by the court in the same manner and with the same effect as if he had paid such per centum of his debts, or as if the required proportion of his creditors had assented thereto.

—to voluntary bankrupt.
R. S., § 5112.
3 Hughes, 637.

And in cases of voluntary bankruptcy, no discharge shall be granted to a debtor whose assets shall not be equal to thirty per centum of the claims proved against his estate, upon which he shall be liable as principal debtor, without the assent of at least one-fourth of his creditors in number, and one-third in value; and the provision in section thirty-three of said act (1) of March second, eighteen hundred and sixty-seven, requiring fifty per centum of such assets, is hereby repealed.

In involuntary bankruptcy, preferences within two, and fraudulent transfers within three, months before petition, void.
R. S., §§ 5128, 5129; 102 U. S., 620.

SEC. 10. That in cases of involuntary or compulsory bankruptcy, the period of four months mentioned in section thirty-five of the act(1) to which this is an amendment is hereby changed to two months; but this provision shall not take effect until two months after the passage of this act. And in the cases aforesaid, the period of six months mentioned in said section thirty-five is hereby changed to three months; but this provision shall not take effect until three months after the passage of this act.

Certain conveyances made to persons knowing they are in fraud of bankrupt law, void.
R. S., §§ 5128, 5129.

SEC. 11. That section thirty-five of said act be, and the same is hereby, amended as follows:

First. After the word "and" in line eleven, insert the word "knowing".

Secondly. After the word "attachment", in the same line, insert the words "sequestration, seizure".

NOTE.—(1) The provisions of the bankrupt law referred to in this act are incorporated into the Revised Statutes in the sections noted in the margin.

Thirdly. After the word "and", in line twenty, insert the word "knowing". And nothing in said section thirty-five shall be construed to invalidate any loan of actual value, or the security therefor, made in good faith, upon a security taken in good faith on the occasion of the making of such loan.

6 Bissell, 167. 3 Dillon, 110. 10 Hun., 277.

SEC. 12. That section thirty-nine of said act of March second, eighteen hundred and sixty-seven,(1) be amended so as to read as follows:

Involuntary bankrupts may be adjudged such, for what acts. R. S., §§ 5021-5031. 1876, July 26, ch. 234. 13 Blatch., 401, 455. 17 Blatch., 72.

"SEC. 39. That any person residing, and owing debts, as aforesaid, who, after the passage of this act, shall depart from the State, District, or Territory of which he is an inhabitant, with intent to defraud his creditors;

Or, being absent, shall, with such intent, remain absent;

Or shall conceal himself to avoid the service of legal process in any action for the recovery of a debt or demand provable under this act;

Or shall conceal or remove any of his property to avoid its being attached, taken, or sequestered on legal process;

Or shall make any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors;

Or who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of the United States or of any State, District, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate under this act, and for a sum exceeding one hundred dollars, and such process is remaining in force and not discharged by payment, or in any other manner provided by the law of the United States or of such State, District, or Territory, applicable thereto, for a period of twenty days,

Or has been actually imprisoned for more than twenty days in a civil action founded on contract for the sum of one hundred dollars or upward;

Or who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, shall make any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or confess judgment, or give any warrant to confess judgment, or procure his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act;

Or who being a bank, banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment,

Or who being a bank, banker, broker, merchant, trader, manufacturer, or miner, has stopped or suspended and not resumed payment, within a period of forty days, of his commercial paper, (made or passed in the course of his business as such),

Or who, being a bank or banker, shall fail for forty days to pay any depositor upon demand of payment lawfully made, shall be deemed to have committed an act of bankruptcy, and, subject to the conditions hereinafter prescribed,

—on petition of creditors within six months. R. S., §§ 5023, 5028. 1876, July 26, ch. 234. 6 Bissell, 150. 3 Dillon, 37, 511, 515. 4 Dillon, 363. 3 Sawyer, 128, 614. 14 Blatch., 148, 186. 3 Woods, 134.

Shall be adjudged a bankrupt on the petition of one or more of his creditors, who shall constitute one-fourth thereof, at least, in number, and the aggregate of whose debts provable under this act amounts to at least one-third of the debts so provable:

Provided: That such petition is brought within six months after such act of bankruptcy shall have been committed.

And the provisions of this section shall apply to all cases of compulsory or involuntary bankruptcy commenced since the first day of December, eighteen hundred and seventy-three, as well as to those commenced hereafter.

NOTE.—(1) The provisions of the bankrupt law referred to in this act are incorporated in the Revised Statutes in the sections noted in the margin.

Proceedings on petition when allegation as to number of creditors is denied.
6 Bissell, 166.

And in all cases commenced since the first day of December, eighteen hundred and seventy-three, and prior to the passage of this act, as well as those commenced hereafter, the court shall, if such allegation as to the number or amount of petitioning creditors be denied by the debtor, by a statement in writing to that effect, require him to file in court forthwith a full list of his creditors, with their places of residence and the sums due them respectively, and shall ascertain, upon reasonable notice to the creditors, whether one-fourth in number and one-third in amount thereof, as aforesaid, have petitioned that the debtor be adjudged a bankrupt.

Proceedings on petition when allegation as to number of creditors is admitted.

But if such debtor shall, on the filing of the petition, admit in writing that the requisite number and amount of creditors have petitioned, the court (if satisfied that the admission was made in good faith,) shall so adjudge, which judgment shall be final, and the matter proceed without further steps on that subject.

—when number, &c., of creditors insufficient.

And if it shall appear that such number and amount have not so petitioned, the court shall grant reasonable time, not exceeding, in cases heretofore commenced, twenty days, and, in cases hereafter commenced, ten days, within which other creditors may join in such petition. And if, at the expiration of such time so limited, the number and amount shall comply with the requirements of this section, the matter of bankruptcy may proceed; but if, at the expiration of such limited time, such number and amount shall not answer the requirements of this section, the proceedings shall be dismissed, and, in cases hereafter commenced, with costs.

Assignee may recover property fraudulently conveyed, &c.
R. S., § 5129.
6 Bissell, 167.
17 Blatch., 348.

And if such person shall be adjudged a bankrupt, the assignee may recover back the money or property so paid, conveyed, sold, assigned, or transferred contrary to this act: *Provided*, That the person receiving such payment or conveyance had reasonable cause to believe that the debtor was insolvent, and knew that a fraud on this act was intended; and such person, if a creditor, shall not, in cases of actual fraud on his part, be allowed to prove for more than a moiety of his debt; and this limitation on the proof of debts shall apply to cases of voluntary as well as involuntary bankruptcy.

Petition, how verified.

And the petition of creditors under this section may be sufficiently verified by the oaths of the first five signers thereof, if so many there be. And if any of said first five signers shall not reside in the district in which such petition is to be filed, the same may be signed and verified by the oath or oaths of the attorney or attorneys, agent or agents, of such signers.

—computation of number of creditors to be joined in.

And in computing the number of creditors, as aforesaid, who shall join in such petition, creditors whose respective debts do not exceed two hundred and fifty dollars shall not be reckoned. But if there be no creditors whose debts exceed said sum of two hundred and fifty dollars, or if the requisite number of creditors holding debts exceeding two hundred and fifty dollars fail to sign the petition, the creditors having debts of a less amount shall be reckoned for the purposes aforesaid".

Proceedings on return of order to show cause on petition for involuntary adjudication of bankruptcy.
R. S., §§ 5025, 5026.
3 Dillon, 37.
3 Woods, 134.

SEC. 13. That section forty of said act(1) be amended by adding at the end thereof the following words: "And if, on the return-day of the order to show cause as aforesaid, the court shall be satisfied that the requirement of section thirty-nine of said act as to the number and amount of petitioning creditors has been complied with, or if, within the time provided for in section thirty-nine of this act, creditors sufficient in number and amount shall sign such petition so as to make a total of one-fourth in number of the creditors and one-third in the amount of the provable debts against the bankrupt, as provided in said section, the court shall so adjudge, which judgment shall be final; otherwise it shall dismiss the proceedings, and, in cases hereafter commenced, with costs."

—debtor may have jury to try certain issues upon.

SEC. 14. That section forty-one of said act(1) be amended as follows: After the word "bankruptcy," in line eight, strike out all of said

NOTE.—(1) The provisions of the bankrupt law referred to in this act are incorporated in the Revised Statutes in the sections noted in the margin.

section, and insert the words, "Or, at the election of the debtor, the court may, in its discretion, award a venire facias to the marshal of the district, returnable within ten days before him for the trial of the facts set forth in the petition, at which time the trial shall be had, unless adjourned for cause. And unless, upon such hearing or trial, it shall appear to the satisfaction of said court, or of the jury, as the case may be, that the facts set forth in said petition are true, or if it shall appear that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens was the sole ground of the proceeding, the proceeding shall be dismissed, and the respondent shall recover costs; and all proceedings in bankruptcy may be discontinued on reasonable notice and hearing, with the approval of the court, and upon the assent, in writing, of such debtor, and not less than one-half of his creditors in number and amount; or, in case all the creditors and such debtor assent thereto, such discontinuance shall be ordered and entered; and all parties shall be remitted, in either case, to the same rights and duties existing at the date of the filing of the petition for bankruptcy, except so far as such estate shall have been already administered and disposed of. And the court shall have power to make all needful orders and decrees to carry the foregoing provision into effect.

R. S., §§ 5026, 5027.

SEC. 15. That section eleven of said act(1) be amended by inserting the words "and valuation" after the word "inventory" in the twenty-first line; and that section forty-two of said act be amended by inserting the words "and valuation" after the word "inventory" in the fifteenth line.

Bankrupt to submit valuation with inventory.
R. S., §§ 5014–5016, 5030.

SEC. 16. That section forty-nine of said act(1) be amended by striking out after the word "the" in line five, the words "supreme courts", and inserting in lieu thereof "district courts," and in line six, after the word "States", inserting the words "subject to the general superintendence and jurisdiction conferred upon circuit courts by section two of said act."

In Territories, district courts to have jurisdiction instead of supreme courts.
R. S., § 4978.

COMPOSITION WITH CREDITORS.

SEC. 17. That the following provisions be added to section forty-three of said act(1): That in all cases of bankruptcy now pending, or to be hereafter pending, by or against any person, whether an adjudication in bankruptcy shall have been had or not, the creditors of such alleged bankrupt may, at a meeting called under the direction of the court, and upon not less than ten days' notice to each known creditor of the time, place, and purpose of such meeting, such notice to be personal or otherwise, as the court may direct, resolve that a composition proposed by the debtor shall be accepted in satisfaction of the debts due to them from the debtor. And such resolution shall, to be operative, have been passed by a majority in number and three-fourths in value of the creditors of the debtor assembled at such meeting either in person or by proxy, and shall be confirmed by the signatures thereto of the debtor and two-thirds in number and one half in value of all the creditors of the debtor.

Composition on resolution of creditors, how effected.
R. S., § 5103.
71 N. Y., 20.
12 Blatch., 562.
124 Mass., 213, 300, 493, 497.
4 Dillon, 111.
128 Mass., 228.
49 Md., 51.
13 Hun., 526.
17 Hun., 49.

And in calculating a majority for the purposes of a composition under this section, creditors whose debts amount to sums not exceeding fifty dollars shall be reckoned in the majority in value, but not in the majority in number; and the value of the debts of secured creditors above the amount of such security, to be determined by the court, shall, as nearly as circumstances admit, be estimated in the same way. And creditors whose debts are fully secured shall not be entitled to vote upon or to sign such resolution without first relinquishing such security for the benefit of the estate.

—computation of majority for purposes of.

The debtor, unless prevented by sickness or other cause satisfactory to such meeting, shall be present at the same, and shall answer any inquiries made of him; and he, or, if he is so prevented from being at

Debtor to be present at meetings, answer inquiries, &c.

NOTE.—(1) The provisions of the bankrupt law referred to in this act are incorporated into the Revised Statutes in the sections noted in the margin.

such meeting, some one in his behalf, shall produce to the meeting a statement showing the whole of his assets and debts, and the names and addresses of the creditors to whom such debts respectively are due.

Resolution and debtor's statement to be presented to court, and proceedings thereon.

Such resolution, together with the statement of the debtor as to his assets and debts, shall be presented to the court; and the court shall, upon notice to all the creditors of the debtor of not less than five days, and upon hearing, inquire whether such resolution has been passed in the manner directed by this section; and if satisfied that it has been so passed, it shall, subject to the provisions hereinafter contained, and upon being satisfied that the same is for the best interest of all concerned, cause such resolution to be recorded and statement of assets and debts to be filed; and until such record and filing shall have taken place, such resolution shall be of no validity. And any creditor of the debtor may inspect such record and statement at all reasonable times.

Creditors may change provisions of composition. 15 Blatch., 23.

The creditors may, by resolution passed in the manner and under the circumstances aforesaid, add to, or vary the provisions of, any composition previously accepted by them, without prejudice to any persons taking interests under such provisions who do not assent to such addition or variation. And any such additional resolution shall be presented to the court in the same manner and proceeded with in the same way and with the same consequences as the resolution by which the composition was accepted in the first instance.

Provisions of composition, upon whom binding.

The provisions of a composition accepted by such resolution in pursuance of this section shall be binding on all the creditors whose names and addresses and the amounts of the debts due to whom are shown in the statement of the debtor produced at the meeting at which the resolution shall have been passed, but shall not affect or prejudice the rights of any other creditors.

Debtor or how to describe debts where holders are unknown.

Where a debt arises on a bill of exchange or promissory note, if the debtor shall be ignorant of the holder of any such bill of exchange or promissory note, he shall be required to state the amount of such bill or note, the date on which it falls due, the name of the acceptor and of the person to whom it is payable, and any other particulars within his knowledge respecting the same; and the insertion of such particulars shall be deemed a sufficient description by the debtor in respect to such debt.

— how may correct mistakes in statement.

Any mistake made inadvertently by a debtor in the statement of his debts may be corrected upon reasonable notice, and with the consent of a general meeting of his creditors.

Composition to provide for pro-rata payment, &c.

Every such composition shall, subject to priorities declared in said act, provide for a pro-rata payment or satisfaction, in money, to the creditors of such debtor in proportion to the amount of their unsecured debts, or their debts in respect to which any such security shall have been duly surrendered and given up.

— how enforced.

The provisions of any composition made in pursuance of this section may be enforced by the court, on motion made in a summary manner by any person interested, and on reasonable notice; and any disobedience of the order of the court made on such motion shall be deemed to be a contempt of court.

— rules in relation to, may be made by court.

Rules and regulations of court may be made in relation to proceedings of composition herein provided for in the same manner and to the same extent as now provided by law in relation to proceedings in bankruptcy.

— may be set aside or not confirmed by court, &c.

If it shall at any time appear to the court, on notice, satisfactory evidence, and hearing, that a composition under this section cannot, in consequence of legal difficulties, or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor, the court may refuse to accept and confirm such composition, or may set the same aside; and, in either case, the debtor shall be proceeded with as a bankrupt in conformity with the provisions of law, and proceedings may be had accordingly; and the time during which such composition shall have been in force shall not, in such case, be computed in calculating periods of time prescribed by said act.

SEC. 18. That from and after the passage of this act the fees, commissions, charges, and allowances, excepting actual and necessary disbursements, of, and to be made by the officers, agents, marshals, messengers, assignees, and registers in cases of bankruptcy, shall be reduced to one-half of the fees, commissions, charges, and allowances heretofore provided for or made in like cases: *Provided*, That the preceding provision shall be and remain in force until the justices of the Supreme Court of the United States shall make and promulgate new rules and regulations in respect to the matters aforesaid, under the powers conferred upon them by sections ten and forty-seven of said act, and no longer, which duties they shall perform as soon as may be.

Fees reduced one-half until Supreme Court makes new rules.
R. S., §§ 4990, 5124–5127.

And said justices shall have power under said sections, by general regulations, to simplify and, so far as in their judgment will conduce to the benefit of creditors, to consolidate the duties of the register, assignee, marshal, and clerk, and to reduce fees, costs, and charges, to the end that prolixity, delay, and unnecessary expense may be avoided.

Supreme Court to simplify and consolidate duties of officers.

And no register or clerk of court, or any partner or clerk of such register or clerk of court, or any person having any interest with either in any fees or emoluments in bankrupcty, or with whom such register or clerk of court shall have any interest in respect to any matter in bankruptcy, shall be of counsel, solicitor, or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, or in an appeal therefrom.

Who are prohibited from being counsel in bankruptcy cases, &c.
R. S., § 4996.

Nor shall they, or either of them, be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of said courts of bankruptcy; nor be interested, directly or indirectly, in the fees or emoluments arising from either of said trusts.

—and from being executors, guardians, &c.

And the words (2) "except such as are established by this act or by law", in section ten of said act, are hereby repealed.

Power of Supreme Court to regulate fees.
R. S., § 4990.

SEC. 19. That it shall be the duty of the marshal of each district, in the month of July of each year, to report to the clerk of the district court of such district, in a tabular form, to be prescribed by the justices of the Supreme Court of the United States, as well as such other or further information as may be required by said justices.

Marshal to report annually to clerk of district court.
R. S., §§ 776–792.

First, the number of cases in bankruptcy in which the warrant prescribed in section eleven of said act has come to his hands during the year ending June thirtieth, preceding;

Secondly, how many such warrants were returned, with the fees, costs, expenses, and emoluments thereof, respectively and separately;

Thirdly, the total amount of all other fees, costs, expenses, and emoluments, respectively and separately, earned or received by him during such year from or in respect of any matter in bankruptcy;

Fourthly, a summarized statement of such fees, costs, and emoluments, exclusive of actual disbursements in bankruptcy, received or earned for such year.

Fifthly, a summarized statement of all actual disbursements in such cases for such year.

And in like manner, every register shall, in the same month and for the same year, make a report to such clerk of,

Register's report.
R. S., § 4998.

First, the number of voluntary cases in bankruptcy coming before him during said year;

Secondly, the amount of assets and liabilities, as nearly as may be, of the bankrupts;

Thirdly, the amount and rate per centum of all dividends declared;

Fourthly, the disposition of all such cases;

Fifthly, the number of compulsory cases in bankruptcy coming before him, in the same way;

Sixthly, the amount of assets and liabilities, as nearly as may be, of such bankrupt;

Seventhly, the disposition of all such cases;

Eighthly, the amounts and rate per centum of all dividends declared in such cases;

Ninthly, the total amount of fees, charges, costs, and emoluments of every sort, received or earned by such register during said year in each class of cases above stated.

NOTE.—(2) That part of the act of 1867, ch. 176, § 10 (14 Stat. L., 521), here repealed, is in Revised Statutes, § 4990.

Assignee's report. R. S., § 5058.

And in like manner, every assignee shall, during said month, make like return to such clerk of,

First, the number of voluntary and compulsory cases, respectively and separately, in his charge during said year;

Secondly, the amount of assets and liabilities therein, respectively and separately;

Thirdly, the total receipts and disbursements therein, respectively and separately;

Fourthly, the amount of dividends paid or declared, and the rate per centum thereof, in each class, respectively and separately;

Fifthly, the total amount of all his fees, charges, and emoluments, of every kind therein, earned or received;

Sixthly, the total amount of expenses incurred by him for legal proceedings and counsel-fees.

Seventhly, the disposition of the cases respectively;

Eighthly, a summarized statement of both classes as aforesaid.

Clerk to make annual statement.

And in like manner, the clerk of said court, in the month of August in each year, shall make up a statement for such year, ending June thirtieth, of,

First, all cases in bankruptcy pending at the beginning of the said year;

Secondly, all of such cases disposed of;

Thirdly, all dividends declared therein;

Fourthly, the number of reports made from each assignee therein;

Fifthly, the disposition of all such cases;

Sixthly, the number of assignees' accounts filed and settled;

Seventhly, whether any marshal, register, or assignee has failed to make and file with such clerk the reports by this act required, and, if any have failed to make such reports, their respective names and residences.

—to report cases begun.

And such clerk shall report in respect of all cases begun during said year.

—to make statement of fees, &c.

And he shall make a classified statement, in tabular form, of all his fees, charges, costs, and emoluments, respectively, earned or accrued during said year, giving each head under which the same accrued, and also the sum of all moneys paid into and disbursed out of court in bankruptcy, and the balance in hand or on deposit.

Reports, &c., to be signed and sworn.

And all the statements and reports herein required shall be under oath, and signed by the persons respectively making the same.

—to be transmitted by clerk to Attorney-General.

And said clerk shall, in said month of August, transmit every such statement and report so filed with him, together with his own statement and report aforesaid, to the Attorney-General of the United States.

Penalty for violating provisions of this section. R. S., §§ 5012, 5079.

Any person who shall violate the provisions of this section shall, on motion made, under the direction of the Attorney-General, be by the district court dismissed from his office, and shall be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment not exceeding one year.

Notaries-public may take proof of debts. R. S., §§ 1778, 5078. 1876, Aug. 15, ch. 304.

SEC. 20. That in addition to the officers now authorized to take proof of debts against the estate of a bankrupt, notaries public are hereby authorized to take such proof, in the manner and under the regulations provided by law; such proof to be certified by the notary and attested by his signature and official seal.

Repeal of inconsistent provisions. Act of 1867, ch. 176 (14 Stat. L., 517).

SEC. 21. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed. [*June* 22, 1874.]

CHAPTER 391.

June 22, 1874.

AN ACT TO AMEND THE CUSTOMS-REVENUE LAWS AND TO REPEAL MOIETIES.

18 Stat. L., 186.

SECTION
1. Seizure of books, &c., in case of suspected smuggling not authorized.
2. Moieties to informers abolished, and fines to be paid into Treasury.
3. Compensation to be allowed for detection of smuggling, and reported to Congress.
4. —to officers and others for detecting and seizing in act of smuggling.
Smuggling defined for this act.
Compensation to informers who are not officers.
5. Books, invoices, and papers required in civil suits under revenue laws, how obtained.
—failure to produce.
—examination of, when produced.
—custody of, by owner or agent.
6. Claim of informer where judicial proceedings instituted to be certified by court.

SECTION
— where no judicial proceedings, to be proved to Secretary of Treasury.
7. Officer receiving part of informer's fees, except in cases of smuggling, prohibited; penalty.
— action against, to recover money so paid may be had.
8. Officers and persons claiming compensation and defendants may be witnesses.
9. Importers, &c., to make invoices to accompany all importations, except, &c.
10. — or affidavit in absence of certified invoices, showing cost and value.
11. —may be questioned as to their knowledge, and may be required to produce letters, papers, &c.
— failing to so produce letters, &c., cannot afterwards avoid penalty by their production.
12. Defrauding or attempting to defraud by false invoices, &c., how punished; forfeiture, &c.
Entire invoice not to be forfeited on account of undervaluation of items.
13. Merchandise entered in violation of preceding section may be seized and held for payment of fine, &c.
— may be released on giving bond and paying or securing duties.
14. Omission to add to market value cost of packing, shipping, &c., without fraudulent intent, not to cause forfeiture.
— to be supplied by collector or appraiser, &c., with one hundred per cent. additional, and duties collected thereon.
15. Customs officers detecting violations to report to collector, who shall report to district attorney.

SECTION
— District attorney; when to prosecute, &c.
16. Issue whether alleged acts were done with intent to defraud to be determined by jury.
— or by judge in certain cases.
Penalty not to be imposed unless fraudulent intent found.
17. Proceedings for relief of persons charged with incurring fines.
18. — summary hearing in, before whom to be had, and subsequent proceedings.
19. Officers compromising or abating claims for fines, &c., how punished.
Secretary of Treasury may remit fines, &c.
20. Applicants for remission of fines, &c., to notify district attorneys and collector, who shall furnish information, &c.
21. Settlements as to duties, after one year, in absence of fraud or protest, to be conclusive.
22. Suits for penalties and forfeitures under customs laws to be commenced within three years, except in case of absence, &c.
23. Annual salaries to certain customs officers in lieu of other compensation.
24. Secretary of Treasury to regulate bonded warehouses, general-order stores, &c.
General-order warehouses to be near landings.
Customs officers not to be interested in warehouses, &c.
25. Public cartage to be let to lowest bidder, and subject to regulations.
26. Repeal, saving existing rights.

Be it enacted, &c.

[SECTION 1], That the thirty-ninth section of the act entitled (1) "An act further to prevent smuggling, and for other purposes," approved July eighteenth, eighteen hundred and sixty-six; and the second section of the act entitled "An act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes," approved March second, eighteen hundred and sixty-seven, be, and the same are hereby, repealed.

Seizure of books, &c., in case of suspected smuggling not authorized.
R. S., §§ 3091–3093.

SEC. 2. That all provisions of law under which moieties of any fines, penalties, or forfeitures, under the customs-revenue laws, or any share therein, or commission thereon, are paid to informers, or officers of customs, or other officers of the United States, are hereby repealed; and from and after the date of the passage of this act the proceeds of all such fines, penalties, and forfeitures shall be paid into the Treasury of the United States.

Moieties to informers abolished, and fines to be paid into Treasury.
R. S., §§ 3090, 3689, 2d ed., p. 726.
Hann's case, 14 C. Cls., 305.

SEC. 3. That it shall hereafter be the duty of the Secretary of the Treasury, out of any money specifically appropriated by Congress, to make suitable compensation in certain cases under the customs-revenue laws, as hereinafter provided, and not otherwise; and for the purpose of making such compensation for the next fiscal year, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated; and he shall annually report to Congress, in detail, all payments by him for such purpose.

Compensation to be allowed for detection of smuggling, and reported to Congress.
R. S., §§ 257, 3090, 3687.

SEC. 4. That whenever any officer of the customs or other person shall detect and seize goods, wares, or merchandise, in the act of being smuggled, or which have been smuggled, he shall be entitled to such compensation therefor as the Secretary of the Treasury shall award, not exceeding in amount one-half of the net proceeds, if any, resulting from such seizure, after deducting all duties, costs, and charges connected therewith:

—to officers and others for detecting and seizing in act of being smuggled.

Provided, That for the purposes of this act smuggling shall be construed to mean the act, with intent to defraud, of bringing into the United States, or, with like intent, attempting to bring into the United States, dutiable articles without passing the same, or the package containing the same, through the custom house, or submitting them to the officers of the revenue for examination.

Smuggling defined for this act.
13 Blatch., 185.

NOTE.—(1) The provisions of the act of 1866, ch. 201, and 1867, ch. 188 (14 Stat. L., 187, 547), referred to in this act, are incorporated into Revised Statutes in the sections noted in the margin.

Compensation to informers who are not officers.

And whenever any person not an officer of the United States shall furnish to a district attorney, or to any chief officer of the customs, original information concerning any fraud upon the customs-revenue, perpetrated or contemplated, which shall lead to the recovery of any duties withheld, or of any fine, penalty, or forfeiture incurred, whether by importers or their agents, or by any officer or person employed in the customs-service, such compensation may, on such recovery, be paid to such person so furnishing information as shall be just and reasonable, not exceeding in any case the sum of five thousand dollars; which compensation shall be paid, under the direction of the Secretary of the Treasury, out of any money appropriated for that purpose.

Books, invoices, and papers required in civil suits under revenue-laws, how obtained.
14 Blatch., 554.

SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue-laws of the United States, the attorney representing the Government, whenever, in his belief, any business-book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served;

—failure to produce.

And if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed unless his failure or refusal to produce the same shall be explained to the satisfaction of the court.

—examination of, when produced.

And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States.

—custody of, by owner or agent.

But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid.

Claim of informer where judicial proceedings, instituted to be certified by court.

SEC. 6. That no payment shall be made to any person furnishing information in any case wherein judicial proceedings shall have been instituted, unless his claim to compensation shall have been established to the satisfaction of the court or judge having cognizance of such proceedings, and the value of his services duly certified by said court or judge for the information of the Secretary of the Treasury; but no certificate of the value of such services shall be conclusive of the amount thereof.

—where no judicial proceedings, to be proved to Secretary of Treasury.

And when any fine, penalty, or forfeiture shall be collected without judicial proceedings, the Secretary of the Treasury shall, before directing payment to any person claiming such compensation, require satisfactory proof that such person is justly entitled thereto.

Officer receiving part of informer's fees, except in cases of smuggling, prohibited; penalty.

SEC. 7. That except in cases of smuggling as aforesaid, it shall not be lawful for any officer of the United States, under any pretense whatever, directly or indirectly, to receive, accept, or contract for any portion of the money which may, under any of the provisions of this or any other act, accrue to any such person furnishing information; and any such officer who shall so receive, accept, or contract for any portion of the money that may accrue as aforesaid shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine not exceeding five thousand dollars, or imprisonment for not more than one year, or both, in the discretion of the court, and shall not be thereafter eligible to any office of honor, trust, or emolument.

And any such person so furnishing information as aforesaid, who shall pay to any such officer of the United States, or to any person for his use, directly or indirectly, any portion of said money, or any other valuable thing, on account of or because of such money, shall have a right of action against such officer or other person, and his legal representatives, to recover back the same, or the value thereof.

—action against, to recover money so paid may be had.

Sec. 8. That no officer, or other person entitled to or claiming compensation under any provision of this act, shall be thereby disqualified from becoming a witness in any action, suit, or proceeding for the recovery, mitigation, or remission thereof, but shall be subject to examination and cross-examination in like manner with other witnesses, without being thereby deprived of any right, title, share, or interest in any fine, penalty, or forfeiture to which such examination may relate; and in every such case the defendant or defendants may appear and testify and be examined and cross-examined in like manner.

Officers and persons claiming compensation and defendants may be witnesses.
R. S., § 5295.

Sec. 9. That except in the case of personal effects accompanying the passenger, no importation exceeding one hundred dollars in dutiable value shall be admitted to entry without the production of a duly-certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before any officer authorized to administer oaths, showing why it is impracticable to produce such invoice.

Importers, &c., to make invoice to accompany all importations, except, &c.
R. S., §§ 2839, 2840, 2860, 2900.
16 Opin. Att'y Gen., 158, 472.

Sec. 10. That no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement, in the form of an invoice or otherwise, showing either the actual cost of the merchandise included in such importation, or, to the best of the knowledge, information, and belief of the deponent, the foreign market value thereof; which statement shall be verified by the owner, importer, consignee, or agent desiring to make entry of the merchandise, and which oath shall be administered by the collector or his deputy.

—or affidavit in absence of certified invoice showing cost and value.
R. S., §§ 2856–2860, 2900.
16 Opin. Att'y Gen., 158.

Sec. 11. That before such oath is taken, it shall be lawful for the collector or deputy administering the same to question the deponent touching the sources of his knowledge, information, or belief in the premises, and to require him to make oath to the same, and to produce any letter or paper, in his possession or under his control, which may assist the officers of the customs in ascertaining the dutiable value of the importation, or any part thereof;

—may be questioned as to their knowledge, and may be required to produce letters, papers, &c.

And in default of such production, when so requested, such owner, importer, consignee, and agent shall be thereafter debarred from producing any such letter or paper for the purpose of avoiding any penalty or forfeiture incurred under this act, unless he shall show to the satisfaction of the court that it was not in his power to produce the same when so demanded.

—failing to so produce letters, &c., cannot afterwards avoid penalty by their production.
R. S., §§ 2839, 2840.

Sec. 12. That any owner, importer, consignee, agent, or other person who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall, for each offense, be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both; and, in addition to such fine, such merchandise shall be forfeited; which forfeiture shall only apply to the whole of the merchandise in the case or package containing the particular article or articles of merchandise to which such fraud or alleged fraud relates;

—defrauding or attempting to defraud by false invoices, &c., how punished; forfeiture, &c.
R. S., §§ 2864, 2865.
1877, Feb. 27, ch. 69, par. 86.
16 Opin. Att'y Gen., 158.

And anything contained in any act which provides for the forfeiture or confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued, be, and the same is hereby, repealed.

Entire invoice not to be forfeited on account of undervaluation of items.
R. S., § 2864.

Merchandise entered in violation of preceding section may be seized.
R. S., §§ 2864, 2865.
1877, Feb. 27, ch. 69, par. 86.

SEC. 13. That any merchandise entered by any person or persons violating any of the provisions of the preceding section, but not subject to forfeiture under the same section, may, while owned by him or them, or while in his or their possession, to double the amount claimed, be taken by the collector and held as security for the payment of any fine or fines incurred as aforesaid, or may be levied upon and sold on execution to satisfy any judgment recovered for such fine or fines.

—may be released on giving bond, and paying or securing duties.

But nothing herein contained shall prevent any owner or claimant from obtaining a release of such merchandise on giving a bond, with sureties satisfactory to the collector, or, in case of judicial proceedings, satisfactory to the court, or the judge thereof, for the payment of any fine or fines so incurred: *Provided, however*, That such merchandise shall in no case be released until all accrued duties thereon shall have been paid or secured.

Omission to add to market-value cost of packing, shipping, &c., without fraudulent intent, not to cause forfeiture.
R. S., §§ 2902, 2907.

SEC. 14. That wherever any statute requires that, to the cost or market-value of any goods, wares, and merchandise imported into the United States, there shall be added to the invoice thereof, or, upon the entry of such goods, wares, and merchandise, charges for inland-transportation, commissions, port-duties, expenses of shipping, export-duties, cost of packages, boxes, or other articles containing such goods, wares, and merchandise, or any other incidental expenses attending the packing, shipping, or exportation thereof from the country or place where purchased or manufactured, the omission, without intent thereby to defraud the revenue, to add and state the same on such invoice or entry shall not be cause of a forfeiture of such goods, wares, and merchandise, or of the value thereof;

—to be supplied by collector or appraiser, &c., with one hundred per cent. additional, and duties collected thereon.

But in all cases where the same, or any part thereof, are omitted, it shall be the duty of the collector or appraiser to add the same, for the purposes of duty, to such invoice or entry, either in items or in gross, at such price or amount as he shall deem just and reasonable, (which price or amount shall, in the absence of protest, be conclusive,) and to impose and add thereto the further sum of one hundred per centum of the price or amount so added; which addition shall constitute a part of the dutiable value of such goods, wares, and merchandise, and shall be collectible as provided by law in respect to duties on imports.

Customs officers detecting violations to report to collector, who shall report to district attorney.

SEC. 15. That it shall be the duty of any officer or person employed in the customs-revenue service of the United States, upon detection of any violation of the customs-laws, forthwith to make complaint thereof to the collector of the district, whose duty it shall be promptly to report the same to the district attorney of the district in which such frauds shall be committed.

District attorney, when to prosecute, &c.
R. S., § 838.
15 Opin. Att'y Gen., 522.

Immediately upon the receipt of such complaint, if, in his judgment, it can be sustained, it shall be the duty of such district attorney to cause investigation into the facts to be made before a United States commissioner having jurisdiction thereof, and to initiate proper proceedings to recover the fines and penalties in the premises, and to prosecute the same with the utmost diligence to final judgment.

Issue whether alleged acts were done with intent to defraud to be determined by jury.
R. S., §§ 2864, 2865, 2967.
1877, Feb. 27, ch. 69, par. 86.
14 Blatch., 552.
15 Blatch., 1.

SEC. 16. That in all actions, suits, and proceedings in any court of the United States now pending or hereafter commenced or prosecuted to enforce or declare the forfeiture of any goods, wares, or merchandise, or to recover the value thereof, or any other sum alleged to be forfeited by reason of any violation of the provisions of the customs-revenue laws, or any of such provisions, in which action, suit, or proceeding an issue or issues of fact shall have been joined, it shall be the duty of the court, on the trial thereof, to submit to the jury, as a distinct and separate proposition, whether the alleged acts were done with an actual intention to defraud the United States, and to require upon such proposition a special finding by such jury;

—or by judge in certain cases.

Or, if such issues be tried by the court without a jury, it shall be the duty of the court to pass upon and decide such proposition as a distinct and separate finding of fact;

And in such cases, unless intent to defraud shall be so found, no fine, penalty, or forfeiture shall be imposed.

Penalty not to be imposed unless fraudulent intent found.

SEC. 17. That whenever, for an alleged violation of the customs-revenue laws, any person who shall be charged with having incurred any fine, penalty, forfeiture, or disability other than imprisonment, or shall be interested in any vessel or merchandise seized or subject to seizure, when the appraised value of such vessel or merchandise is not less than one thousand dollars, shall present his petition to the judge of the district in which the alleged violation occurred, or in which the property is situated, setting forth, truly and particularly, the facts and circumstances of the case, and praying for relief, such judge shall, if the case, in his judgment, requires, proceed to inquire, in a summary manner into the circumstances of the case, at such reasonable time as may be fixed by him for that purpose, of which the district attorney and the collector shall be notified by the petitioner, in order that they may attend and show cause why the petition should be refused.

Proceedings for relief of persons charged with incurring fines, &c.
R. S., §§ 563, 5292.
16 Opin. Att'y Gen., 259, 473.

SEC. 18. That the summary investigation hereby provided for may be held before the judge to whom the petition is presented, or, if he shall so direct, before any United States commissioner for such district, and the facts appearing thereon shall be stated and annexed to the petition, and, together with a certified copy of the evidence, transmitted to the Secretary of the Treasury, who shall thereupon have power to mitigate or remit such fine, penalty, or forfeiture, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without willful negligence or any intention of fraud in the person or persons incurring the same, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued upon such terms or conditions as he may deem reasonable and just.

—summary hearing in, before whom to be had, and subsequent proceedings.
R. S., § 5292.
16 Opin. Att'y Gen., 473.

SEC. 19. That it shall not be lawful for any officer or officers of the United States to compromise or abate any claim of the United States arising under the customs laws, for any fine, penalty, or forfeiture incurred by a violation thereof; and any officer or person who shall so compromise or abate any such claim, or attempt to make such compromise or abatement, or in any manner relieve or attempt to relieve from such fine, penalty, or forfeiture, shall be deemed guilty of a felony, and, on conviction thereof, shall suffer imprisonment not exceeding ten years, and be fined not exceeding ten thousand dollars:

Officers compromising or abating claims for fines, forfeitures, &c., how punished.
R. S., § 5292.
See 1875, Jan. 22, ch. 22.

Provided, however, That the Secretary of the Treasury shall have power to remit any fines, penalties, or forfeitures, or to compromise the same, in accordance with existing law.

Secretary of Treasury may remit fines, &c.
R. S., §§ 2858, 5292, 5293.

SEC. 20. That whenever any application shall be made to the Secretary of the Treasury for the mitigation or remission of any fine, penalty, or forfeiture, or the refund of any duties, in case the amount involved is not less than one thousand dollars, the applicant shall notify the district attorney and the collector of customs of the district in which the duties, fine, penalty, or forfeiture accrued; and it shall be the duty of such collector and district attorney to furnish to the Secretary of the Treasury all practicable information necessary to enable him to protect the interests of the United States.

Applicants for remission of fines, &c., to notify district attorney and collector, who shall furnish information, &c.
R. S., §§ 5292-5294.

SEC. 21. That whenever any goods, wares, and merchandise shall have been entered and passed free of duty, and whenever duties upon any imported goods, wares, and merchandise shall have been liquidated and paid, and such goods, wares, and merchandise shall have been delivered to the owner, importer, agent, or consignee, such entry and passage free of duty and such settlement of duties shall, after the expiration of one year from the time of entry, in the absence of fraud and in the absence of protest by the owner, importer, agent, or consignee, be final and conclusive upon all parties.

Settlements as to duties, after one year, in absence of fraud or protest, to be conclusive.
R. S., § 1047.
15 Opin. Att'y Gen., 121.
17 Blatch., 316.

Suits for penalties and forfeiture under customs laws to be commenced within three years, except in case of absence, &c.
R. S., § 1047.

SEC. 22. That no suit or action to recover any pecuniary penalty or forfeiture of property accruing under the customs revenue laws of the United States shall be instituted unless such suit or action shall be commenced within three years after the time when such penalty or forfeiture shall have accrued:

Provided, That the time of the absence from the United States of the person subject to such penalty or forfeiture, or of any concealment or absence of the property, shall not be reckoned within this period of limitation.

Annual salaries to certain customs officers in lieu of other compensation.

SEC. 23. That in lieu of the salaries, moieties, and perquisites of whatever name or nature, and commissions on disbursements, now paid to and received by the collectors, naval officers, and surveyors connected with the customs service in the several collection districts of the United States hereinafter named, there shall be paid, from and after the first day of July, eighteen hundred and seventy-four, an annual salary as follows:

— to collectors.
R. S., §§ 2654–2656, 2659, 2688–2692, 3090.
1877, Feb. 27, ch. 69, par. 73.

To the collector of the district of New York, twelve thousand dollars.

To the collectors of the districts of Boston and Charlestown, Massachusetts; and Philadelphia, Pennsylvania, each eight thousand dollars.

To the collectors of the districts of San Francisco, California; Baltimore, Maryland; and New Orleans, Louisiana, each seven thousand dollars.

To the collector of the district of Portland and Falmouth, Maine, six thousand dollars.

— to naval officers.
R. S., §§ 2655, 2656, 2689, 2703, 2704, 3090.
1877, ch. 69, par. 73.
1879, ch. 103.

To the naval officer for the district of New York, eight thousand dollars.

To the naval officers of the districts of Boston and Charlestown, Massachusetts; and San Francisco, California; and Philadelphia, Pennsylvania, each five thousand dollars.

— to surveyors.
R. S., §§ 2656, 2657, 2688, 2689, 2714, 2719, 3090.
1875, ch. 130, § 10. 1879, Feb. 26, ch. 103.

To the surveyor of the port of New York, eight thousand dollars.

To the surveyors of the ports of Boston, Massachusetts; and San Francisco, California; and Philadelphia, Pennsylvania, each five thousand dollars.

Secretary of Treasury to regulate bonded warehouses, general-order stores, &c.
R. S., §§ 2892, 2926, 2954–3008.

SEC. 24. That the Secretary of the Treasury shall, from time to time, make such regulations as he may deem necessary for the conduct and management of the bonded warehouses, general order stores, and other depositories of the imported merchandise throughout the United States; all regulat ons or orders issued by collectors of customs in regard thereto shall be subject to revision, alteration, or revocation by him; and no warehouse shall be bonded and no general-order store established without his authority and approval.

General-order warehouses to be near landings.

And it shall be the duty of the Secretary of the Treasury, in granting permits to establish general-order warehouses, to require such warehouse or warehouses to be located contiguous, or as near as may be, to the landing places of steamers and vessels from foreign ports;

Customs officers not to be interested in warehouses, &c.

And that no officer of the customs shall have any personal ownership of, or interest in, any bonded warehouse or general-order store.

Public cartage to be let to lowest bidder, and subject to regulation.

SEC. 25. That public cartage of merchandise in the custody of the Government shall be let after not less than thirty days' notice of such letting to the lowest responsible bidder giving sufficient security, and shall be subject to regulations approved by the Secretary of the Treasury.

Repeal, saving existing rights, &c.

SEC. 26. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; that nothing herein contained shall affect existing rights of the United States; and in all cases in which prosecutions have been actually commenced for forfeitures incurred, the Secretary of the Treasury shall have power to make compensation, as provided in the fourth section of this act, to the persons who would, under former laws, have been entitled to share in the distribution of such forfeitures. [*June* 22, 1874.]

CHAPTER 392.

AN ACT FOR THE BETTER GOVERNMENT OF THE NAVY OF THE UNITED STATES.

June 22, 1874.
18 Stat. L., 191.

SECTION
1. Navy officers promoted in course to have pay of grade from date of rank.
2. — dismissed and restored by finding of court-martial, not to have more than six months' back pay.
3. Cadet-engineers, not exceeding twenty-five, to be appointed annually by Secretary of Navy.

Be it enacted, &c.

[SECTION 1], That on and after the passage of this act, any officer of the Navy who may be promoted in course to fill a vacancy in the next higher grade shall be entitled to the pay of the grade to which promoted from the date he takes rank therein, if it be subsequent to the vacancy he is appointed to fill.

Navy officers promoted, to have pay of grade from date of rank.
R. S., §§ 1495, 1507.

SEC. 2. That the accounting officers of the Treasury be, and are hereby, prohibited from making any allowance to any officer of the Navy who has been, or may hereafter be, dismissed from the service and restored to the same under the provisions of the twelfth section of the act of March third, eighteen hundred and sixty-five, entitled (1) "An act to amend the several acts heretofore passed to provide for the enrolling and calling out the national forces, and for other purposes", to exceed more than pay as on leave for six months from the date of dismissal, unless it shall appear that the officer demanded in writing, addressed to the Secretary of the Navy, and continued to demand as often as once in six months, a trial as provided for in said act.

—dismissed and restored by finding of court-martial not to have more than six months' back pay.
R. S., § 1624, art. 37, 2d. ed., p. 282.
15 Opin. Att'y Gen., 569.

SEC. 3. That so much of the act entitled (1) "An act to authorize the Secretary of the Navy to provide for the education of naval constructors and steam-engineers, and for other purposes", approved July fourth, eighteen hundred and sixty-four", as provides that cadet-engineers, not to exceed fifty in number, shall be appointed by the Secretary of the Navy, is hereby repealed; and cadet-engineers shall hereafter be appointed annually by the Secretary of the Navy, and the number appointed each year shall not exceed twenty-five; and that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby repealed. [*June* 22, 1874.]

Cadet-engineers, not exceeding twenty-five, to be appointed annually by Secretary of Navy.
R. S., § 1523.

NOTE.—(1) The provisions of the acts of 1864, ch. 252, and 1865, ch. 79, § 12 (13 Stat. L., 393, 489), here referred to, are incorporated in the Revised Statutes in the sections noted in the margin.

CHAPTER 393.

AN ACT TO REPEAL SO MUCH OF THE ACT APPROVED MAY EIGHT, EIGHTEEN HUNDRED AND SEVENTY-TWO, ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTY, EIGHTEEN HUNDRED AND SEVENTY-THREE, AND FOR OTHER PURPOSES" AS PROVIDES FOR THE EMPLOYMENT OF PERSONS TO ASSIST THE PROPER OFFICERS OF THE GOVERNMENT IN DISCOVERING AND COLLECTING MONEYS WITHHELD AND FOR OTHER PURPOSES.

June 22, 1874.
18 Stat. L., 192.

SECTION
1. Authority for employment of persons by Secretary of Treasury to discover and collect public money withheld repealed, &c.
2. Claims under existing contracts not to be enforced.

Be it enacted, &c.

[SECTION 1], That so much of the act entitled (1) "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-three, and for other purposes," approved May eighth, eighteen hundred and seventy-two, as provides for the employment by the Secretary of the Treasury, of not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States when the same shall be withheld

Authority for employment of persons by Secretary of Treasury to discover and collect public money withheld, repealed, &c.
R. S., § 256.
15 Opin. Att'y Gen., 133.

NOTE.—(1) The provisions of the act of 1872, ch. 60 (17 Stat. L., 68, 69), are incorporated into the Revised Statutes in the section noted in the margin.

by any person or corporation, be, and the same is hereby, repealed; and the Secretary of the Treasury is hereby directed to revoke and annul all contracts for the collection of such taxes made under and by authority of said act.

Claims under existing contracts not to be enforced.

SEC. 2. That the Court of Claims shall have no authority to consider or decide upon any claims for damages by reason of the discontinuance of the contracts aforesaid, or for any profits or per-centages under them. [*June* 22, 1874.]

CHAPTER 394.

June 22, 1874.
18 Stat. L., 192.

AN ACT TO LEGALIZE ENTRIES OF PUBLIC LANDS UNDER THE HOMESTEAD LAWS IN CERTAIN CASES.

Certain entries of public lands not made in strict conformity to homestead laws, legalized. | Adverse right not impaired, &c.

Certain entries of public lands not made in strict conformity to homestead laws, legalized.
R. S., §§ 2290–2294.

Be it enacted, &c., That in all cases of entries of public lands heretofore made under the act entitled (1) "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, where the affidavit required by section two of said act was made before the clerk of the county of the residence of the person making the entry, without having first made the settlement and improvement required by the provisions of section three of the act entitled (1) "An act amendatory of the homestead law, and for other purposes," approved March twenty-first, eighteen hundred and sixty-four, said affidavits be, and the same are hereby, legalized and confirmed, so as to have the same force and validity as if the provisions of said last-named act had been strictly complied with:

Adverse right not impaired, &c.

Provided, That nothing in this act shall have the effect or be construed to impair the valid and paramount adverse rights of any person or corporation to any of such lands, except in so far as the right of Congress to protect the claims or rights of homestead settlers upon lands within the limits of grants of lands to any railroad company may have been reserved in the acts making such grants and be now lawfully existing. [*June* 22, 1874.]

NOTE.—(1) The provisions of the act of 1862, ch. 75 (12 Stat. L., 392), and of the act of 1864, ch. 88 (13 Stat. L., 85), here referred to, are incorporated in Revised Statutes in sections noted in the margin.

CHAPTER 395.

June 22, 1874.
18 Stat. L., 193.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF HORSES AND OTHER PROPERTY LOST OR DESTROYED IN THE MILITARY SERVICE OF THE UNITED STATES," APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND FORTY-NINE.

SECTION
1. Claims for horses lost by officers in military service not to be denied because horses were purchased in States in insurrection.
SECTION
2. —not to be allowed unless presented before January, 1876.

Be it enacted, &c.

Claims for horses lost by officers in military service not to be denied because horses were purchased in States in insurrection.
R. S., § 3482.
See Thomas's case, 16 Ct. Cls., —.

[SECTION 1], That the first section of the act of March third, eighteen hundred and forty-nine, (1) providing for the payment for horses and equipments lost by officers or enlisted men in the military service, shall not be construed to deny payment to such officers or enlisted men, for horses which may have been purchased by them in States in insurrection; and payment in any case shall not be refused where the loss resulted from any exigency or necessity of the military service, unless it was caused by the fault or negligence of such officers or enlisted men.

NOTE.—(1) The section of the act of 1849, ch. 129 (9 Stat. L., 414), here referred to, is incorporated into Revised Statutes, § 3482, noted in the margin.

SEC. 2. That no claims under said section or this amendment thereto shall be considered unless presented prior to the first day of January, eighteen hundred and seventy-six. [*June* 22, 1874.]

—not to be allowed unless presented before January, 1876.
R. S., § 3482.

CHAPTER 396.

AN ACT CONFERRING JURISDICTION UPON THE CRIMINAL COURT OF THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

June 22, 1874.
18 Stat. L., 193.

SECTION
1. District of Columbia; criminal-court jurisdiction.
2. —courts in, to have power to cause arrests, take bail, &c.

Be it enacted, &c.

[SECTION 1], That the criminal court of the District of Columbia shall have jurisdiction of all crimes and misdemeanors committed in said District, not lawfully triable in any other court, and which are required by law to be prosecuted by indictment or information.

District of Columbia; criminal-court jurisdiction.
R. S., vol. 2 Dist. Col., §§ 760–771, 1049.

SEC. 2. That (1) the provisions of the thirty-third section of the judiciary act of seventeen hundred and eighty-nine shall apply to courts created by act of Congress in the District of Columbia. [*June* 22, 1874.]

—courts in, to have power to cause arrests, take bail, &c.
R. S., vol. 2 Dist. Col., §§ 760–771, 1049, 1050.

NOTE.—(1) The provisions here referred to, of the judiciary act of 1789, ch. 20, § 33 (1 Stat. L., 91), are incorporated into Revised Statutes, §§ 727, 879, 1014, 1015, 1016.

CHAPTER 397.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO ESTABLISH A WESTERN JUDICIAL DISTRICT OF NORTH CAROLINA."

June 22, 1874.
18 Stat. L., 193.

Marshal for western district of North Carolina.

Be it enacted, &c., That (1) section eight of the act of June fourth, eighteen hundred and seventy-two entitled "An act to establish a western judicial district of North Carolina," be amended by adding thereto the following: "There shall also be appointed a marshal of the United States for said western district of North Carolina, who shall be entitled to a salary of two hundred dollars per annum; payment to be made quarterly out of the Treasury of the United States, and in addition thereto the fees of office affixed by law. [*June* 22, 1874.]

Marshal for western district of North Carolina.
R. S., § 776.

NOTE.—(1) Section 8 of act of 1872, ch. 282 (17 Stat. L., 217), provided only for the appointment of a judge and district attorney.

CHAPTER 398.

AN ACT TO ADMIT FREE OF DUTY MERCHANDISE SUNK FOR TWO YEARS AND AFTERWARD RECOVERED.

June 22, 1874.
18 Stat. L., 194.

Merchandise in vessels sunken two years and abandoned, when raised may be admitted duty free.

Be it enacted, &c., That whenever any ship or vessel, laden with merchandise in whole or in part subject to duty, shall have been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States and within its limits, and shall have remained so sunk for the period of not less than two years, and shall be abandoned by the owners thereof, any person or persons, who may raise any portion of the cargo of such ship or vessel, shall be permitted to bring the merchandise so

Merchandise in vessels sunken two years and abandoned, when raised may be admitted duty free.
R. S., § 2507.

recovered into the port nearest to the place where such ship or vessel was so sunk free from the payment of any duty thereupon, and without being obliged to enter the same at the custom house, under such rules and regulations as the Secretary of the Treasury may prescribe. [*June* 22, 1874.]

CHAPTER 399.

June 22, 1874.
18 Stat. L., 194.

AN ACT FOR THE RELIEF OF SAVINGS INSTITUTIONS HAVING NO CAPITAL STOCK, AND DOING BUSINESS SOLELY FOR THE BENEFIT OF DEPOSITORS.

Savings banks having no capital stock, &c., exempt from internal revenue tax.

Savings banks having no capital stock, &c., exempt from internal-revenue tax.
R. S., § 3408.
1874, June 18, ch. 304.
1879, March 1, ch. 125, § 22.

Be it enacted, &c., That no farther collection of internal revenue taxes shall be made on the earnings of savings banks or institutions for savings, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, whether the earnings of the same have been or may hereafter be divided annually, semi-annually or at other periods. [*June* 22, 1874.]

CHAPTER 400.

June 22, 1874.
18 Stat. L., 194.

AN ACT FOR THE RELIEF OF SETTLERS ON RAILROAD LANDS.

Railroad companies relinquishing lands in their grants entered for pre-emption or homestead may select other lands in lieu thereof.
Title of settlers may be perfected.
Grants to companies not enlarged.
Act not to be construed as confirming certain decisions of Interior Department.

Railroad companies relinquishing lands in their grants entered for pre-emption or homestead may select other lands in lieu thereof.
R. S., §§ 2259, 2269.

Be it enacted, &c., That in the adjustment of all railroad land grants, whether made directly to any railroad company or to any State for railroad purposes, if any of the lands granted be found in the possession of an actual settler whose entry or filing has been allowed under the pre-emption or homestead laws of the United States subsequent to the time at which, by the decision of the land-office, the right of said road was declared to have attached to such lands, the grantees, upon a proper relinquishment of the lands so entered or filed for, shall be entitled to select an equal quantity of other lands in lieu thereof from any of the public lands not mineral and within the limits of the grant not otherwise appropriated at the date of selection, to which they shall receive title the same as though originally granted.

Title of settlers may be perfected.

And any such entries or filings thus relieved from conflict may be perfected into complete title as if such lands had not been granted:

Grant to companies not enlarged.

Provided, That nothing herein contained shall in any manner be so construed as to enlarge or extend any grant to any such railroad or to extend to lands reserved in any land grant made for railroad purposes:

Act not to be construed as confirming certain decisions of Interior Department.

And provided further, That this act shall not be construed so as in any manner to confirm or legalize any decision or ruling of the Interior Department under which lands have been certified to any railroad company when such lands have been entered by a pre-emption or homestead settler after the location of the line of the road and prior to the notice to the local land-office of the withdrawal of such lands from market. [*June* 22, 1874.]

CHAPTER 401.

AN ACT RELATING TO CIRCUIT COURTS OF THE UNITED STATES FOR THE DISTRICTS OF ALABAMA.

June 22, 1874.

18 Stat. L., 195.

SECTION

1. Circuit court in Alabama; northern and middle districts established.
2. Powers and jurisdiction of.
— under bankrupt law.
3. Clerks of, their oaths, bonds, duties, and fees. Marshals and district attorneys to act for circuit courts.
4. Transfer of original dockets, records, and files.
5. Circuit court for southern district of Alabama.
Appellate and revisory powers of circuit court, under bankrupt law restricted.
Certain provisions as to appellate jurisdiction in Alabama repealed.
6. Terms of circuit and district courts in Alabama.
7. Certain laws respecting appeals, &c., repealed.
8. Repeal.

Be it enacted, &c.

[SECTION 1], That there shall be, and is hereby, established a circuit court of the United States for the middle district of Alabama, as said district is now constituted by law, to be held in the city of Montgomery, and a like court for the northern district of Alabama, as said district is now constituted by law, to be held in the city of Huntsville.

Circuit court in Alabama; northern and middle districts established. R. S., § 608.

SEC. 2. That said circuit courts shall have and exercise, within their respective districts, the same original powers and jurisdiction as are or may be conferred by law upon the circuit court of the United States for the southern district of Alabama at Mobile, and shall have and exercise appellate and revisory jurisdiction over the decrees and judgments of the district courts of the United States for the said middle and northern districts, respectively, under the laws of the United States regulating the jurisdiction, powers, and practice of the circuit courts, and the judges thereof, in cases removed into said courts by appeal or writ of error;

—powers and jurisdiction of. R. S., §§ 634, 4979, 4986.

And said courts, and the judges thereof, shall have the general superintendence and jurisdiction over all cases and questions arising in said district courts, respectively, under the act approved March second eighteen hundred and sixty-seven entitled (1) "An act to establish a uniform system of bankruptcy throughout the United States" as is provided for in the second section of said act.

—under bankrupt law. R. S., §§ 4972–5132. 1874, ch. 390. 1878, ch. 160.

SEC. 3. That there shall be appointed for each of said circuit courts for said middle and northern districts, by the circuit judge of the circuit, a clerk who shall take the oath and give the bond required by law of clerks of circuit courts, and who shall discharge all the duties and be entitled to all the fees and emoluments prescribed by law for clerks of circuit courts;

Clerks of; their oaths, bonds, duties, and fees. R. S., § 619. 1878, June 20, ch. 329, par. 15.

And the United States marshals for said middle and northern districts shall, respectively, act as marshals for said circuit courts, and the United States district attorney for said districts shall discharge the duties of district attorney in said circuit courts for said middle and northern districts.

Marshals and district attorneys to act for circuit courts. R. S., §§ 767, 776.

SEC. 4. That the clerks of said district courts for said middle and northern districts shall transfer to the clerks of the said circuit courts respectively all the original dockets, records and files of papers in all common-law and equity causes which might have been brought and would have been originally cognizable in a circuit court, and which were either disposed of or pending in said district courts while the same were vested with circuit-court powers.

Transfer of original dockets, records, and files.

SEC. 5. That the circuit court of the United States held at Mobile, Alabama, shall be designated and known as the circuit court of the United States for the southern district of Alabama;

Circuit court for southern district. R. S., § 608.

And its appellate and revisory power, upon appeal or writ of error, or by bill or petition, or otherwise, under the second section of said act, entitled (1) "An act to establish a uniform system of bankruptcy throughout the United States" is hereby restricted to judgments and decrees *rendered* [rendered] or causes and questions arising in the district court of the United States for said southern district;

—appellate and revisory powers of, under bankrupt law, restricted. R. S., § 4986. R. S., §§ 4972–5132.

NOTE.—(1) The bankrupt act, 1867, ch. 176 (14 Stat. L., 517) is incorporated in Revised Statutes in the sections noted in the margin, but the whole law is repealed by act of 1878, June 7, ch. 160.

Certain provisions as to appellate jurisdiction in Alabama repealed.
R. S., § 634.

And that the (2) fourth section of the act approved March third, eighteen hundred and seventy-three, entitled, "An act relating to the circuit and district courts of the United States for the middle and northern districts of Alabama" be, and the same is hereby repealed.

Terms of circuit and district courts in Alabama.
R. S., §§ 572, 658.

SEC. 6. That terms of the circuit and district courts for the several districts of Alabama shall be held as follows:

For the southern district, the terms of the circuit and district courts shall commence on the fourth Monday of December and the first Monday of June in each year;

For the middle district, on the first Monday of May and the first Monday of November in each year;

For the northern district, on the first Monday of April and the second Monday of October in each year.

Certain laws respecting appeals, &c., repealed.
R. S., §§ 608, 634.

SEC. 7. That (3) the fifth section of the act approved February twenty-second, eighteen hundred and thirty-eight entitled, "An act to abolish the circuit court at Huntsville in the State of Alabama and for other purposes" and the act approved August fourth, eighteen hundred and forty-two, entitled (3) "An act to regulate appeals and writs of error from the district court of the United States for the northern district of Alabama" be and the same are hereby, repealed.

Repeal.

SEC. 8. That all laws and parts of laws, inconsistent with the provisions of this act, be and the same are hereby repealed. [*June* 22, 1874.]

NOTES.—(2) Section 4 of act of 1873, ch. 223 (17 Stat. L., 484), here referred to, is the same as R. S., § 634 noted in the margin.
(3) The provisions here referred to, of 1838, ch. 12, § 5, and 1842, ch. 123 (5 Stat. L., 210, 504), are not incorporated into the Revised Statutes, and seem to have been superseded by the act of 1873, ch. 223 (17 Stat. L., 485), as incorporated into the Revised Statutes, §§ 608, 634.

CHAPTER 402.

AN ACT TO CONSTITUTE MONTGOMERY, IN THE STATE OF ALABAMA, A PORT OF DELIVERY.

June 22, 1874.
18 Stat. L., 196.

Montgomery, Ala., to be port of delivery, and have deputy collector.

Montgomery, Ala., to be port of delivery.
R. S., § 2564.

Be it enacted, &c., That Montgomery, in the State of Alabama, shall be, and is hereby, constituted a port of delivery, within the collection-district of Mobile;

—to have deputy collector.
R. S., §§ 2564, 2565.

And there shall be appointed a deputy collector of customs, to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding one thousand five hundred dollars per annum. [*June* 22, 1874.]

CHAPTER 405.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR THE CITY OF LA CROSSE, IN THE STATE OF WISCONSIN.

June 22, 1874.
18 Stat. L., 197.

Bridge across Mississippi River, between La Crosse, Wis., and Houston, Minn.
—subject to provisions of former act.
—works for security, &c., of, to be constructed.
Not more than $3 a car to be charged for transportation of freight-cars.
Text of former act in note.

Bridge across Mississippi River between LaCrosse, Wis., and Houston, Minn.

Be it enacted, &c., That the Milwaukee and Saint Paul Railway Company may construct and maintain a bridge across the Mississippi River at a point heretofore selected by said company between the county of La Crosse, in the State of Wisconsin, and the county of Houston, in the State of Minnesota:

Provided, That the Secretary of War shall convene a board of engineer officers, whose duty it shall be to ascertain and report whether a bridge at the location selected by said company can be constructed and

maintained without material interference with the security and convenience of navigation of said river at that point, and shall also ascertain and report what accessory works it will be necessary to construct and maintain to secure the best practicable straight channel-way for navigation of said river at and near that point; the board shall further determine the necessary height of said bridge, the location of its piers, and make such recommendations for the security and convenience of navigation as may be deemed essential and proper; and that upon the approval of the report and recommendations of the board by the Secretary of [*of*] War, the said company, upon being so notified, may proceed to construct said bridge in accordance with said report and recommendations,

Bridge subject to provisions of act of (1) 1872, ch. 73.

Subject to the provisions and limitations of the act entitled (1) "An act to authorize the construction of a bridge across the Mississippi River at or near the town of Clinton, in the State of Iowa, and other bridges across said river, and to establish them as post-roads," approved April first, eighteen hundred and seventy-two:

—works for security, &c., of, to be constructed.

And provided further, That said company shall construct and maintain all the accessary works found to be necessary as hereinbefore provided, for the security and convenience of navigation at their own expense, and subject to such supervision as the Secretary of War may prescribe, and that until the said works shall have been constructed to the satisfaction of the Secretary of War, and are approved by him, the superstructure of the bridge shall not be commenced:

And provided further, That this act shall not be so construed as to relieve said company from the provisions of any existing laws, except as to the location and height of said bridge:

Not more than $3 a car to be charged for transportation of freight-cars.

And provided further, That said company shall not charge more than three dollars a car for each freight-car transported across said bridge. [*June 22, 1874.*]

NOTE.—(1) The provisions of the act of 1872, ch. 73 (17 Stat. L., 45), here referred to, which are general, public, and of continuing interest, are as follows:

Draws to be opened promptly.

SEC. 2. Any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans; * * * said draw shall be opened promptly, upon reasonable signal for the passage of boats.

Bridge to be post-route, and charges for government transportation over limited.

SEC. 3. Any bridge constructed under this act, and according to its limitations, shall be a lawful structure, and shall be known and recognized as a post-route, upon which, also, no higher charge shall be made for the transmission over the same of the mails, the troops and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads and public highways leading to the said bridge, and the United States shall have the right of way for postal-telegraph purposes across said bridge.

All railroad companies to have equal rights of passage, &c.

SEC. 4. All railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree.

Regulations for security of navigation to be prescribed by Secretary of War.

SEC. 5. (2) The structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe,

And the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and the said structure shall be changed at the cost and expense of the owners thereof, from time to time as Congress may direct, so as to preserve the free and convenient navigation of said river.

Rights may be revoked—1872, ch. 181.

And the authority to erect and continue said bridge shall be subject to revocation, modification by law whenever the public good shall in the judgment of Congress so require, without any expense or charge to the United States.

NOTE.—(2) This section is made applicable to all bridges thereafter built over the Mississippi River, by act of 1872, ch. 281 (17 Stat. L., 215).[

CHAPTER 409.

AN ACT RELINQUISHING THE RIGHTS OF THE UNITED STATES IN CERTAIN LANDS IN THE STATE OF MICHIGAN.

June 22, 1874.

18 Stat. L., 198.

Certain land in Saginaw River relinquished to riparian owners.

Be it enacted, &c., That all rights and title of the United States to the middle ground or island in the Saginaw River, lying within the prescribed limits of fractional section five, in township thirteen north, of range five east, and sections twenty-nine and thirty-two, in township fourteen north, of range five east, in the State of Michigan, are hereby relinquished to the

Certain land in Saginaw River relinquished to riparian owners.

riparian owners respectively of the lands on the shores of said river in front of or opposite to said island, saving and reserving to all persons or parties other than the United States any legal rights acquired therein:

Provided, That this act shall not be construed or held to imply a claim of title on the part of the United States to said middle ground, but only as a relinquishment of any apparent right therein to the persons respectively to whom the lands on said shores were patented, their heirs and assigns:

Provided further, That nothing contained in this act shall be construed to affect in any manner the rights of Stephen Marston, one of the proprietors and occupants of said middle ground. [*June* 22, 1874.]

CHAPTER 413.

June 22, 1874.
18 Stat. L., 200.

AN ACT AUTHORIZING THE SECRETARY OF WAR TO SELL UNSERVICEABLE ORDNANCE STORES, AND FOR OTHER PURPOSES.

Secretary of War to sell unserviceable ordnance stores.

Secretary of War to sell unserviceable ordnance stores.
R. S., §§ 3618, 3672, 3692.

Be it enacted, &c., That from and after the passage of this act the Secretary of War be, and he is hereby, authorized and directed to be caused to be sold in such manner, and at such times and places, and in such quantities, as shall most conduce to the interest of the United States, all obsolete and unserviceable ammunition and leader balls, and the surplus of pig lead in excess of two thousand tons now stored in the various arsenals of the United States, and to cause the net proceeds of such sale, after paying all costs and expenses of breaking up and preparing said ammunition for sale, and all the necessary expenses of such sale, including the cost of transportation to the place of sale, to be covered into the Treasury of the United States with full accounts of said expenses. [*June* 22, 1874.]

CHAPTER 414.

June 22, 1874.
18 Stat. L., 200.

AN ACT PROVIDING FOR THE COLLECTION OF MONEYS DUE THE UNITED STATES FROM THE PACIFIC RAILROAD COMPANIES.

Pacific Railway Companies to be required to pay percentage due United States on net earnings.

Pacific Railroad Companies to be required to pay percentage due United States on net earnings.
1862, ch. 120 (12 Stat. L., 489).
1864, ch. 216 (13 Stat. L., 365).
1873, ch. 226, §§ 2, 4 (17 Stat. L., 508).
1878, May 7, ch. 96.
11 C. Cls., 1.
12 C. Cls., 237.
13 C. Cls., 401.
91 U. S., 72.

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to require payment of the railroad-companies, their successors and assigns, or the successors or assigns of any or either of said companies, of all sums of money due or to become due, the United States for the five per centum of the net earnings provided for by the act entitled "An act to aid in the construction of a railroad and telegraph-line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes" approved July first, eighteen hundred and sixty-two, or by any other act or acts in relation to the companies therein named, or any other such company or companies, and in case either of said railroad-companies shall neglect or refuse to pay the same within sixty days after demand therefor made upon the treasurer of such railroad company, the Secretary of the Treasury shall certify that fact to the Attorney-General, who shall thereupon institute the necessary suits and proceedings to collect and otherwise obtain redress in respect of the same in the proper circuit courts of the United States, and prosecute the same, with all convenient dispatch to a final determination [*June* 22, 1874.]

CHAPTER 415.

AN ACT AUTHORIZING THE SECRETARY OF WAR TO RELINQUISH AND TURN OVER TO THE INTERIOR DEPARTMENT PARTS OF CERTAIN RESERVATIONS IN THE TERRITORY OF ARIZONA AS MAY BE NO LONGER REQUIRED FOR MILITARY PURPOSES.

June 22, 1874.
18 Stat. L., 201.

Lands of Forts Yuma and Whipple and of Camp Date, in Arizona, not required for military purposes, to be turned over to Secretary of Interior.
— to be sold.
— rights of settlers on.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to relinquish and turn over to the Department of the Interior, for restoration to the public domain, such parts of what are known as the Fort Yuma, Fort Whipple, and Camp Date Creek reservations, in the Territory of Arizona, as may in the opinion of the Secretary of War, be no longer required for military purposes:

Lands of Forts Yuma and Whipple and of Camp Date not required for military purposes.

Provided, That the Secretary of the Interior shall expose the same at public offering for sale to the highest bidder in the legal subdivision not greater than one quarter section when the same can be made, and not below the minimum price provided by law. And any land left unsold at such offering to be held thereafter for disposal as other public lands. Notice of such public sale shall be published for sixty days in two newspapers each, one published in the capital of the Territory, and the other circulating nearest the place of sale:

— to be sold.
1875, Jan. 28, ch. 26.

Provided further, That bona fide settlers, upon any part of said lands prior to the declaration of the reservation lines, shall have a right to acquire title to the lands so occupied by them at said time, not exceeding one hundred and sixty acres each, under the land-laws of the United States. [*June* 22, 1874.]

— rights of settlers on.

CHAPTER 419.

AN ACT AUTHORIZING THE TRANSFER OF GOLD MINT BARS FROM THE BULLION FUND OF THE ASSAY OFFICE NEW YORK TO THE ASSISTANT TREASURER AT NEW YORK.

June 22, 1874.
18 Stat. L., 202.

Gold bars may be transferred from bullion fund and applied to redemption of coin certificates or in exchange for gold coins.

Be it enacted, &c., That the Secretary of the Treasury may, from time to time, transfer to the office of the Assistant Treasurer at New York from the bullion fund of the assay office at New York, refined gold bars bearing the United States stamp of fineness, weight and value, or bars from any melt of foreign gold coin or bullion of standard equal to or above that of the United States and may apply the same to the redemption of coin certificates or in exchange for gold coins at not less than par and not less than the market value subject to such regulations as he may prescribe. [*June* 22, 1874.]

Gold bars may be transferred from bullion-fund and applied to redemption of coin certificates or in exchange for gold coins.
R. S., §§ 3526, 3527, 3545.

CHAPTER 422.

AN ACT TO APPROPRIATE LANDS FOR THE SUPPORT OF SCHOOLS IN CERTAIN FRACTIONAL TOWNSHIPS IN THE STATE OF MISSOURI.

June 22, 1874.
18 Stat. L., 202.

SECTION
1. School lands for certain fractional townships in Missouri.
2. — to be selected by Commissioner of General Land Office.
SECTION
— manner of selection and tenure of title.

Be it enacted, &c.

[SECTION 1], That for all fractional townships in the State of Missouri, which are entitled to public lands for the support of schools, according to the provisions of the act of Congress approved May twentieth eighteen hundred and twenty-six entitled (1) "An act to appropri-

School lands for certain fractional townships in Missouri.

NOTE.—(1) The provisions of the act of 1826, ch. 83 (4 Stat. L., 170), are incorporated in Revised Statutes in the sections referred to in the margin.

R. S., §§ 2275, 2276.

ate lands for the support of schools in certain townships and fractional townships not before provided for," and for which no selections have heretofore been made, there shall be reserved and appropriated out of the public lands, for each of said fractional townships, the amount of land to which they were respectively entitled according to the provisions of said act.

School lands to be selected by Commissioner of General Land Office.

SEC. 2. That the lands to which said fractional townships are entitled as aforesaid shall be selected by the Commissioner of the General Land-Office out of any unappropriated public land within the State of Missouri subject to sale or location at one dollar and twenty-five cents an acre:

—manner of selection and tenure of title.
R. S., § 2275.

Provided, That said Commissioner, in making such selection, shall select such land as shall be designated to him for that purpose by the county courts of the counties in which such fractional townships are situated; and, when so selected, said lands shall be held by the same tenure, and upon the same terms, for the support of schools in such fractional townships, as sections numbered sixteen are, or may be, held in the State of Missouri. [*June* 22, 1874.]

CHAPTER 453.

June 23, 1874.

AN ACT TO PREVENT HAZING AT THE NAVAL ACADEMY.

18 Stat. L., 203.

Hazing at Naval Academy, how punished.

Hazing at Naval Academy, how punished.
R. S., §§ 1511–1528.
15 Opin. Att'y Gen., 80.

Be it enacted, &c., That in all cases when it shall come to the knowledge of the superintendent of the Naval Academy, at Annapolis, that any cadet-midshipman or cadet-engineer has been guilty of the offense commonly known as hazing, it shall be the duty of said superintendent to order a court-martial, composed of not less than three commissioned officers, who shall minutely examine into all the facts and circumstances of the case and make a finding thereon; and any cadet-midshipman or cadet-engineer found guilty of said offense by said court shall, upon recommendation of said court be dismissed; and such finding, when approved by said superintendent, shall be final; and the cadet so dismissed from said Naval Academy shall be forever ineligible to re-appointment to said Naval Academy. [*June* 23, 1874.]

CHAPTER 454.

June 23, 1874.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO REORGANIZE THE COURTS IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES," APPROVED MARCH 3, 1863.

18 Stat. L., 204.

Justice of supreme court of District of Columbia holding criminal term may also hold circuit court.

Justice of supreme court of District of Columbia holding criminal term may also hold circuit court.
R. S., vol. 2 Dist. Col., § 753.

Be it enacted, &c., That the justice of the supreme court of the District of Columbia, holding a criminal term for said District, may, when not engaged in the proper business of the criminal term, hold sittings of the circuit court, and employ the petit juries drawn for the criminal term in the trial of such cases depending in said circuit court as the justice presiding therein may assign to him for that purpose; and the business done at such sittings shall be recorded in the minutes of the circuit court. [*June* 23, 1874.]

CHAPTER 455.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

June 23, 1874.
18 Stat. L., 204.

SECTION 1.
Par. 1. Annual reports of Departments to be printed in limited numbers.
Expensive maps, &c., not to be printed without order of Congress.
2. Destruction of national-bank and United States notes, &c., may be by maceration instead of burning.
3. Moneys appropriated for charitable purposes, to whose credit to be placed; to be paid only on checks, &c.
—payments from, under $20, how may be made.
4. Property of Light-House Establishment no longer required may be sold.

SECTION 1.
Par. 5. In adjusting boundary-lines of lands of Light-House Establishment on Staten Island Secretary of Treasury may give deeds, &c.
6. Light-House Board's jurisdiction extended over Mississippi, Ohio, and Missouri Rivers.
7. Tolls on Thunder Bay River to cease after light-house is built.
8. Certain sums necessary for settlement of claims for vessels impressed into military service to be certified to Secretary of Treasury, and not to be carried to surplus fund.

Be it enacted, &c. * * *

Annual reports of Departments to be printed in limited numbers, &c.
R. S., § 3798.
1876, July 31, ch. 246, par. 1, Aug. 15, ch. 287, § 1, par. 3.

[SECTION 1] [*Par.* 1.] *Provided*, That hereafter the Congressional Printer shall print, upon the order of the heads of the Executive Departments, respectively, only such limited number of the annual reports of such Departments and necessary accompanying reports of subordinates as may be deemed necessary for the use of Congress:

Expensive maps, &c., not to be printed, &c.
R. S., §§ 3779, 3780.

Provided, however, That no expensive maps or illustrations shall be printed without the special order of Congress.

* * * * * * * *

Destruction of national-bank and United States notes, &c., may be by maceration instead of burning.
R. S., §§ 3581, 5184, 5225.

[*Par.* 2.] For the maceration of national bank notes, United States notes, and other obligations of the United States authorized to be destroyed * * ; and that all such issues hereafter destroyed may be destroyed by maceration instead of burning to ashes, as now provided by law; and that so much of (1) sections twenty-four and forty-three of the national-currency act as requires national bank notes to be burned to ashes is hereby repealed; that the pulp from such macerated issue shall be disposed of only under the direction of the Secretary of the Treasury.

* * * * * * *

Moneys appropriated for charitable purposes, to whose credit to be placed; to be paid only on checks, &c.
R. S., §§ 3620, 3678.

[*Par.* 3.] All moneys hereafter appropriated for the aid, use, support, or benefit of any charitable, industrial, or other association, institution, or corporation, shall be placed to the credit of the proper fiscal officer of such association, institution, or corporation, by warrant of the Secretary of the Treasury, on the books of the Treasurer of the United States, or of an assistant treasurer or designated depositary of the United States other than a national bank, and shall be paid out only on the checks of such fiscal officer, drawn payable to the order of the person to whom payment is to be made, for services, materials, or any other purpose, and stating in writing thereon the specific object or purpose to which the avails thereof are to be applied:

—payments from, under $20, how may be made.

Provided, That when payments are to be made under twenty dollars, such fiscal officer may check in his own name, but shall state in writing on the check that the avails thereof are to be applied to the payment of small claims, and shall furnish, to the Treasurer, assistant treasurer, or designated depositary on whom the check is drawn, a certified list of such claims, which list shall set forth the amount and nature of each claim and the name of each claimant.

* * * * * * *

Property of Light-House Establishment no

[*Par.* 4.] *Provided*, That the Secretary of the Treasury shall have power to order the sale at auction, after due public notice, of any real estate or other property pertaining to the Light-House Establishment, no

NOTE.—(1) The provisions of the act of 1864, ch. 106 (13 Stat. L., 106), here referred to, are incorporated into Revised Statutes in §§ 5184, 5225, noted in the margin.

longer required may be sold.
R. S., § 4675.

longer required for light-house purposes; the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

* * * * * * *

In adjusting boundary-lines of lands of light-house establishments on Staten Island, Secretary of Treasury may give deeds, &c.
R. S., § 4675.

[*Par.* 5.] *Provided*, That whenever it may become necessary, in the adjustment of boundary-lines or in the opening or changing of necessary roadways affecting lands belonging to the United States and used for the purposes of the light-house establishments at Staten Island, New York, and at the Highlands of Neversink, New Jersey, or any part thereof, the Secretary of the Treasury is hereby authorized to execute for such purposes touching the property above referred to, or any part thereof, the necessary conveyances and assurances, and to receive, in consideration thereof, such other conveyances or assurances of adjoining lands, or of lands in the immediate vicinity, or other consideration, as may be agreed upon.

* * * * * * *

Light-House Board's jurisdiction extended over Mississippi, Ohio, and Missouri Rivers.
R. S., §§ 4653–4680.

[*Par.* 6.] The jurisdiction of the Light-House Board, created by the act (2) entitled "An act making appropriations for light-houses, light-boats, buoys, and so forth, and providing for the erection and establishment of the same, and for other purposes" approved August thirty-first, eighteen hundred and fifty-two, is hereby extended over the Mississippi, Ohio, and Missouri Rivers, for the establishment of such beacon-lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams; and for this purpose the said board is hereby required to divide the designated rivers into one or two additional light-house districts, to be in all respects similar to the already existing light-house districts; and is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent.

* * * * * * *

Tolls on Thunder Bay River to cease after light-house is built.
For substitute see 1875, *Mar.* 3, *ch.* 130, *par.* 9.

[*Par.* 7.] For the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, * * * (**Sup.**) [*Provided*, That all tolls on vessels entering or leaving the river shall be abolished after the light-house is completed.]

* * * * * * *

Certain sums necessary for settlement of claims for vessels impressed into military service to be certified to Secretary of Treasury, and not to be carried to surplus fund.
R. S., § 277, par. 3.
1874, June 16, ch. 285, § 2.
1874, June 20, ch. 328, § 5.

[*Par.* 8.] Section second of an act entitled (3) "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," passed at the present session, shall be construed to direct the Third Auditor of the Treasury to certify to the Secretary of the Treasury the sum necessary in the settlement of accounts for steamboats and other vessels, pending in his office, under the joint resolution approved December twenty-third, eighteen hundred and sixty-nine, and March third, eighteen hundred and seventy-one, and said sum so certified shall be excepted from the operation of the said second section: But nothing herein contained shall be construed to effect the present jurisdiction of the Second Comptroller of the Treasury in this class of cases: * * [*June* 23, 1874.]

NOTES.—(2) The provisions of the act of 1852 ch. 112 (10 Stat. L., 118), here referred to, are incorporated into Revised Statutes in the sections noted in the margin.
(3) The resolution to which this paragraph may apply are 1869, No. 5, and 1871, No. 50 (16 Stat. L., 366 600).

CHAPTER 456.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST-OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES.

June 23, 1874.
18 Stat. L., 231.

SECTION

1. *Par.* 1. Letter-carriers not to be employed in places having less than 30,000 population, except, &c.
Superintendent of free delivery to be designated; his salary.
2. Mail-route advertisements in District of Columbia.
3. Stamped envelopes to contain no printing except request to return.
4. Revised Statutes not to be published in newspapers.
5. Rates of postage on newspapers and periodicals mailed from office of publication or agencies, &c.
— in other cases not changed.
6. — method of paying postage in such cases.
7. Newspapers may be sent free to subscribers in county where printed.
8. Rate of postage on matter of third class.
9. Publishers, agents, &c., to make affidavit when required.
Penalty for depositing matter in offices without making affidavit.
— for mailing such matter.
— for postmasters permitting same to be mailed.
10. Changes by this act, when to take effect.
11. Salaries of postmasters.
Appointments and removal of postmasters.
Salary of postmaster at New York, and compensation of postmasters of first, second, and third classes.
Postal receipts, how ascertained.
Additional allowance in certain cases.
11. Compensation of postmasters of fourth class.
Readjustment of salaries of first three classes.
Assignment and change of salaries, how made, &c.
Distributing offices may be designated and additional pay allowed to postmasters.
12. Proposals for carrying mail to be accompanied by bond of bidder, &c.
— not to be considered unless accompanied by bond and oath.
Oaths of sureties to be indorsed on bond.
Penalty for postmaster illegally approving bond, &c.
When bidder fails to enter into contract, next lowest bidder to be contracted with.
— or fails to perform contract entered into.
— and in case next lowest bidder is too high, new proposals to be advertised for.
Temporary contracts may be made in certain cases.
Contracts, when may be continued beyond express terms.
Bids to be accompanied by certified checks, &c., when annual compensation exceeds $5,000.
Deposit to be forfeited on failure, or returned on performance of proposal.
Proposals exceeding $5,000 not to be considered unless accompanied by check and bond.
Penalties incurred not affected.
13. Postage on public documents mailed by members of Congress and heads of departments.
— on Congressional Record.

Be it enacted, &c.

[SECTION 1], * * *

[*Par.* 1.] *Provided*, That hereafter letter-carriers shall not be employed for the free delivery of mail-matter in towns and cities whose population within their corporate limits, as shown by the last report of the national census or by any subsequent census taken in pursuance of State statute or by order of the mayor and common council of such town or city, shall be less than thirty thousand; but this proviso shall not affect the free delivery in towns and cities where it is now established.

Letter-carriers not to be employed in places having less than 30,000 population, except, &c.
R. S., § 3865.
1879, Feb. 21, ch. 95, § 5.

And for the more efficient management of the free-delivery system, the Postmaster-General may designate a fourth class clerk to act as superintendent of free delivery in the Post-Office Department at an annual salary of two thousand five hundred dollars; * * * *

Superintendent of free delivery to be designated; his salary.
R. S., § 394.

[*Par.* 2.] *Provided*, That hereafter no payment shall be made to any newspaper published in the District of Columbia for advertising any other routes than those in Virginia and Maryland.

Mail routes in Maryland and Virginia only, to be advertised in District of Columbia.
R. S., § 3827.

[*Par.* 3.] *Provided*, That hereafter no envelope, as furnished by the Government, shall contain any lithographing and engraving, nor any printing except a printed request to return the letter to the writer. * *

Stamped envelopes to contain no printing except request to return.
R. S., § 3915.

SEC. 4. That the Revised Statutes of the United States shall not be published by the United States in any newspaper, anything in existing laws to the contrary notwithstanding.

Revised Statutes not to be published in newspapers.
R. S., § 79.

SEC. 5. That on and after the first day of January, eighteen hundred and seventy-five, all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications, issued weekly and more frequently than once a week, two cents for each pound or fraction thereof and on those issued less frequently than once a week three cents for each pound or fraction thereof:

Rates of postage on newspapers and periodicals mailed from office of publication or agency, &c.
R. S., § 3905.
15 Opin. Att'y-Gen., 345.
16 Opin. Att'y-Gen., 233.

Rates of postage in other cases not changed.
R. S., § 3872.
1879, March 3, ch. 180, § 11.

Provided That nothing in this act shall be held to change or amend section ninety nine (1) of the act entitled "An Act to revise consolidate and amend the statutes relating to the Post-Office Department," approved June eight, eighteen hundred and seventy-two:

— method of paying postage in such cases.

SEC. 6. That on and after the first day of January, eighteen hundred and seventy-five, upon the receipt of such newspapers and periodical publications at the office of mailing, they shall be weighed in bulk, and postage paid thereon by a special adhesive stamp, to be devised and furnished by the Postmaster-General, which shall be affixed to such matter, or to the sack containing the same, or upon a memorandum of such mailing, or otherwise, as the Postmaster-General may, from time to time, provide by regulation.

Newspapers may be sent free to subscribers in county where printed.

SEC. 7. That newspapers, one copy to each actual subscriber residing within the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter-carrier offices or distributed by carriers unless postage is paid thereon as by law provided.

Rate of postage on matter of third class.
R. S., §§ 3878, 3879.
1875, March 3, ch. 130.
13 Blatch., 207.

SEC. 8. That all mailable matter of the third class, referred to in section one hundred and thirty-three (1) of the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June eighth, eighteen hundred and seventy-two, may weigh not exceeding four pounds for each package thereof, and postage shall be charged thereon at the rate of one cent for each two ounces or fraction thereof; but nothing herein contained shall be held to change or amend section one hundred and thirty-four of said act.

Publishers, agents, &c., to make affidavit when required.
R. S., § 3909.

SEC. 9. That the Postmaster-General, when in his judgment it shall be necessary, may prescribe, by regulation, an affidavit in form, to be taken by each publisher of any newspaper or periodical publication sent through the mails under the provisions of this act, or news agent who distributes any of such newspapers or periodical publications under the provisions of this act, or employee of such publisher or news agent, stating that he will not send, or knowingly permit to be sent, through the mails any copy or copies of such newspaper or periodical publications except to regular subscribers thereto, or news agents, without prepayment of the postage thereon at the rate of one cent for each two ounces or fractional part thereof;

Penalty for depositing matter in office without making affidavit.

And if such publisher or news agent, or emyloyee of such publisher or news agent, when required by the Postmaster-General or any special agent of the Post-Office Department to make such affidavit, shall refuse so to do, and shall thereafter, without having made such affidavit deposit any newspapers in the mail for transmission, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding one thousand dollars for each refusal;

— for mailing such matter.

And if any such person shall knowingly and willfully mail any such matter without the payment of postage as provided by this act, or procure the same to be done with the intent to avoid the prepayment of postage due thereon;

— for postmasters permitting same to be mailed.

Or if any postmaster or post-office official shall knowingly permit any such matter to be mailed without the prepayment of postage as provided in this act, and in violation of the provisions of the same, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than one thousand dollars, or imprisoned not exceeding one year, one or both, in the discretion of the court.

Changes here made to take effect Jan. 1, 1875.

SEC. 10. That so much of this act as changes the rate of postage on newspapers and periodical publications shall not take effect until the first day of January next.

Salaries of postmasters.
R. S., §§ 3852–3860.
1876, July 12, ch. 179, §§ 5–12.

SEC. 11. (2) (**Rep.**) [That the sixty-third, eightieth, eighty-first, eighty-second, eighty-third, eighty-fourth, and eighty-sixth sections of the said "Act to revise, consolidate, and amend the statutes relating to

NOTES.—(1) The several provisions of the act of 1872, ch. 335 (17 Stat. L., 288), referred to in this act, are incorporated into the Revised Statutes in the sections noted in the margin.
(2) Section 11 of this act is repealed by act of 1876, July 12, ch. 179.

the Post Office Department," approved June eighth, eighteen hundred and seventy-two,(1) be amended to read as follows:] (2)

(2) "SEC. 63. (**Rep.**) [That the postmasters, except the postmaster at New York City, whose annual salary is hereby fixed at six thousand dollars, shall be divided into four classes, as follows:

Postmasters' salaries; at New York.

The first class shall embrace all those whose annual salaries are not more than four thousand dollars nor less than three thousand dollars;

—of class one.

The second class shall embrace all those whose annual salaries are less than three thousand dollars but not less than two thousand dollars;

—of class two.

The third class shall embrace all those whose annual salaries are less than two thousand dollars but not less than one thousand dollars;

—of class three.

The fourth class shall embrace all postmasters whose annual compensation, exclusive of their commissions on the money-order business of their offices, amounts to less than one thousand dollars."]

—of class four.

(2) "SEC. 80. (**Rep.**) [That the postmaster at New York City and postmasters of the first, second, and third classes shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department."]

Appointments and removals of postmasters. R. S., § 3830.

"SEC. 81. (**Rep.**) [That the compensation of the postmaster at New York City shall be six thousand dollars per annum, and the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed, by the Postmaster-General, from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to the whole amount of box-rents, not exceeding two thousand dollars per annum, commissions also not to exceed two thousand dollars per annum on the other postal revenues of the office, at the following rates, namely:

Salary of postmaster at New York, and compensation of postmasters of first, second, and third classes. R. S., §§ 3852, 3860.

On the first one hundred dollars per quarter, fifty per centum;

On all over one hundred dollars and not over four hundred dollars per quarter, forty per centum;

On all over four hundred dollars and not over two thousand four hundred dollars per quarter, thirty per centum;

And on all over two thousand four hundred dollars per quarter, ten per centum.

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case:

Postal receipts, how ascertained.

Provided, That whenever, by reason of the extension of free delivery of letters, the box-rents of any post office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box rents."]

Additional allowance in certain cases.

(2) "SEC. 82. (**Rep.**) [That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices and commissions on other postal revenues of their offices at the rate of sixty per centum on the first one hundred dollars or less per quarter; fifty per centum on the next three hundred dollars or less per quarter; forty per centum on the excess above four hundred dollars per quarter; the same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters:

Compensation of postmasters of fourth class. R. S., §§ 3852–3860.

Provided, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to one thousand dollars, the Auditor shall report such fact

NOTE.—(2) Section 11 of this act, amending §§ 63, 80, 81, 82, 83, 84, 86 of the act of 1872, ch. 335 (17 Stat. L., 283), which were incorporated into the Revised Statutes noted in the margin, is repealed by act of 1876, July 12, ch. 179.

to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided."]

Readjustment of salaries of first three classes. R. S., §§ 3854–3857.

(2) "SEC. 83. (**Rep.**) [That the salaries of postmasters of the first, second, and third classes, except that of the postmaster at New York City, shall be re-adjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient."]

Assignment and change of salaries, how made, &c. R. S., § 3856.

(2) "SEC. 84. (**Rep.**) [That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order:

Provided, That in cases of not less than fifty per centum increase or decrease in the business of any post office, the Postmaster-General may adjust the salary of the postmaster at such office, to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment."]

Distributing offices may be designated and additional pay allowed to postmasters. R. S., § 3859.

(2) "SEC. 86. (**Rep.**) [That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties."]

SEC. 12. That section two hundred and forty-five, section two hundred and forty-six section two hundred and forty-seven, section two hundred and fifty-one, and section two hundred and fifty-three of the act entitled(1) "An act to revise, consolidate and amend the statutes relating to the Post Office Department, approved June eighth, eighteen hundred and seventy-two, be amended to read as follows:

Proposals for carrying mail to be accompanied by bond of bidder, &c. R. S., §§ 3945–3947.

(1) "SEC. 245. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds five thousand dollars, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route; to which bond a condition shall be annexed, that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service, according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond.

—not to be considered unless accompanied by bond and oath.

No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted."

Oath of sureties to be indorsed on bond. R. S., § 3947. *Substitute, see* 1876, Aug. 11, ch. 260. 1878, May 17, ch. 107.

(1) "SEC. 246. (**Sup.**) [That before the bond of a bidder provided for in the aforesaid section is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate, worth, in the aggregate, a sum double the amount of the said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever."]

Penalty for postmaster illegally approving bond, &c.

(1) "SEC. 247. That any postmaster who shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of

NOTES.—(1) The several provisions of the act of 1872, ch. 335 (17 Stat. L., 283), referred to in this act, are incorporated into the Revised Statutes in the sections noted in the margin.

(2) Section 11 of this act amending these sections of the act of 1872, ch. 335, is repealed by act of 1876, July 12, ch. 179.

sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office, and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both."

When bidder fails to enter into contract next lowest bidder to be contracted with.
R. S., §§ 3951–3954.
1878, May 17, ch. 107.
Substitute, see 1876, Aug. 11, ch. 260.

(1) "SEC. 251. (**Sup.**) [That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposal, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract, as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for the same service, who will enter into a contract for the performance thereof, unless the Postmaster-General shall consider such bid too high, in which case he shall re-advertise such service.

—or fails to perform contract when entered into.

And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high,) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid;

—and in case next lowest bidder is too high, new proposals to be advertised for.

But in case each and every of the next lowest bidders for such service whose respective bids are not considered too high by the Postmaster-General shall refuse to enter into contract and give bond as herein required for the faithful performance of his contract, the Postmaster-General shall immediately advertise for proposals to perform the service on said route.

Temporary contracts may be made in certain cases.

Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established, or new service required, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law:

Provided, however, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding regular contract term.

Contracts, when may be continued beyond express terms.

And in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same, or other contractors, shall be made by the Postmaster-General."]

Bids to be accompanied by certified check, &c., when annual compensation exceeds $5,000.
R. S., § 3953.

(1) "SEC. 253. That hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of five thousand dollars, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General, upon some solv-

NOTE.—(1) The several provisions of the act of 1872, ch. 255 (17 Stat. L., 283), amended by this act, are incorporated in the Revised Statutes in the sections noted in the margin.

ent national bank, which check or draft shall not be less than five per centum on the amount of the annual pay on said route at the time such bid is made, and, in case of new or modified service, not less than five per centum of the amount of the bond of the bidder required to accompany his bid, if the amount of the said bond exceeds five thousand dollars.

Deposit to be forfeited on failure, or returned on performance of proposal.

In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall, in addition to his liability on his bond accompanying his bid, forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon as aforesaid, such draft or check so deposited, and the checks or drafts deposited by all other bidders, on the same route, shall be returned to the respective bidders making such deposits.

Proposals exceeding $5,000 not to be considered unless accompanied by check and bond. R. S., § 3953.

No proposals for the transportation of the mails where the amount of the bond required to accompany the same shall exceed five thousand dollars shall be considered, unless accompanied with the check or draft herein required, together with the bond required by a preceding section:

Penalties incurred not affected.

Provided, That nothing in this act shall be construed or intended to affect any penalties or forfeitures which have heretofore accrued under the provisions of the sections hereby amended."

Postage on public documents mailed by members of Congress and heads of departments, &c. R. S., §§ 3875–3879, 3896–3913. 1875, March 3, ch. 128, § 3. 1877, March 3, ch. 103, §§ 5, 7. 1879, March 3, ch. 180, § 1, par. 4. —on the Congressional Record. 1875, March 3, ch. 128, § 5.

SEC. 13. That hereafter the postage (3) on public documents mailed by any member of Congress, the President, or head of any Executive Department shall be ten cents for each bound volume, and on unbound documents the same rate as that on newspapers mailed from a known office of publication to regular subscribers; and the words "Public Document" written or printed thereon, or on the wrapper thereof, and certified by the signature of any member of Congress, or by that of the President, or head of any Executive Department shall be deemed a sufficient certificate that the same is a public document; and the term "public document" is hereby defined to be all publications printed by order of Congress, or either House thereof:

Provided, That the postage on each copy of the daily Congressional Record mailed from the city of Washington as transient matter shall be one cent. [*June* 23, 1874.]

(3) By acts of 1877, March 3, ch. 103, §§ 5, 7, and 1879, March 3, ch. 180, § 1, par. 4, all public documents may be sent and received through the mails by Senators, Representatives, Delegates, Secretary of the Senate, Clerk of the House, and heads of departments without payment of postage.

CHAPTER 458.

June 23, 1874.

AN ACT REORGANIZING THE SEVERAL STAFF CORPS OF THE ARMY.

18 Stat. L., 244.

SECTION

1. Inspector-General's Department; of what officers to consist.
Acting inspectors-general to have allowance of cavalry officers.
Inspectors-general reduced to five.
2. Judge-Advocate-General; rank, pay, and duty of.
Judge-advocates reduced to four.
3. Three assistant commissaries-general, twelve commissaries.
4. Medical Department—Surgeon-General and other officers; their rank and pay.
Medical Department; vacancies in office of assistant surgeon, how filled.
— hospital stewards.
— contract surgeons, number reduced.
5. Ordnance Department; officers of, their rank, pay, &c.
Examinations for appointment or promotions in.
6. Officers now in service not reduced in rank, &c.
7. Vacancies in Ordnance and Medical Departments not to be filled until numbers reduced.
8. Repeal.

Be it enacted, &c.

Inspector-General's Department; officers of. R. S., § 1131. 1878, Dec. 12, ch. 2. 16 Opin. Att'y Gen., 638.

[SECTION 1], That the Inspector General's Department shall consist of one colonel, two lieutenant-colonels, and two majors, with the rank, pay, and emoluments of officers of said grades; and the Secretary of War may, in addition, detail officers of the line, not to exceed four, to act as assistant inspector-general:

Provided, That officers of the line detailed as acting inspectors-general shall have all the allowances of cavalry officers of their respective grades;

Acting inspectors-general to have allowance of cavalry officers.

And no new appointment shall be made in the Inspector-General's Department until the number of inspectors-general is reduced to five.

Inspectors-general reduced to five.

SEC. 2. That the Bureau of Military Justice shall hereafter consist of one Judge-Advocate-General, with the rank, pay, and emoluments of a brigadier general; and the said Judge-Advocate-General shall receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and shall perform such other duties as have been heretofore performed by the Judge-Advocate-General of the Army.

Judge-Advocate-General; rank, pay, and duty of. R. S., §§ 1198, 1199.

In the corps of judge-advocates no appointment shall be made as vacancies occur until the number shall be reduced to four, which shall thereafter be the permanent number of the officers of that corps.

Judge-advocates reduced to four. R. S., §§ 1200–1203.

SEC. 3. That hereafter there shall be three assistant commissaries-general of subsistence, with the rank, pay, and emoluments of lieutenant-colonel, instead of the two now allowed by law of said grade in the Subsistence Department;

Three assistant commissaries-general. R. S., § 1140.

That the number of commissaries of subsistence with the rank, pay, and emoluments of a captain of cavalry, is hereby reduced to twelve, and no appointment to fill a vacancy in said grade shall be made until the number thereof shall be reduced to twelve, and the number thereafter shall remain fixed at twelve.

Twelve commissaries.

SEC. 4. That the Medical Department of the Army shall hereafter consist of one Surgeon-General, with the rank, pay, and emoluments of a brigadier-general; one assistant surgeon-general, and one chief medical purveyor, each with the rank, pay, and emoluments of a colonel; and two assistant medical purveyors, with the rank, pay, and emoluments of lieutenant-colonels, who shall give the same bonds which are or may be required of assistant paymasters-general of like grade, and shall, when not acting as purveyors, be assignable to duty as surgeons by the President; fifty surgeons, with the rank, pay, and emoluments of majors; one hundred and fifty assistant surgeons, with the rank, pay, and emoluments of lieutenants of cavalry for the first five years' service, and with the rank, pay, and emoluments of captains of cavalry after five years' service; and four medical store-keepers, with the same compensation as is now provided by law;

Medical Department; Surgeon-General and other officers, their rank and pay. R. S., § 1168–1174.

And all the original vacancies in the grade of assistant surgeon shall be filled by selection by competitive examination;

—vacancies in office of assistant surgeon, how filled.

And the Secretary of War is hereby authorized to appoint, from the enlisted men of the Army, or cause to be enlisted, as many hospital-stewards as the service may require, to be permanently attached to the Medical Department, under such regulations as the Secretary of War may prescribe.

—hospital stewards. R. S., §§ 1180, 1181.

(**Sup.**) [And the number of contract-surgeons shall be limited to seventy-five on or before the first day of January in the year eighteen hundred and seventy-five; and thereafter no more than that number shall be employed.]

—contract surgeons, number reduced. R. S., § 1168. *Suspended* by 1875, Jan. 1, ch. 12.

SEC. 5. That the Ordnance Department shall consist of one Chief of Ordnance, with the rank, pay, and emoluments of a brigadier-general; three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants; and all vacancies which may hereafter exist in the grade of first lieutenant in said Department shall be filled by transfer from the line of the Army:

Ordnance Department; officers of, their rank, pay, &c. R. S., §§ 1159–1167.

Provided, That no appointment or promotion in said Department shall hereafter be made until the officer or person so appointed or promoted shall have passed a satisfactory examination before a board of ordnance-officers senior to himself.

—examinations for appointment or promotion in.

Officers now in service not reduced in rank, &c.

SEC. 6. That no officer now in service shall be reduced in rank or mustered out by reason of any provision of law herein made reducing the number of officers in any department or corps of the staff.

Vacancies in Ordnance and Medical Departments not to be filled until numbers reduced, &c.

SEC. 7. That as vacancies shall occur in any of the grades of the Ordnance and Medical Departments, no appointments shall be made to fill the same until the numbers in such grade shall be reduced to the numbers which are fixed for permanent appointments by the provisions of this act;

And thereafter the number of permanent officers in said grades shall continue to conform to said reduced numbers, and all other grades in said Ordnance and Medical Departments than those authorized by the provisions of this act shall cease to exist as soon as the same shall become vacant by death, resignation or otherwise;

And no appointment or promotion shall hereafter be made to fill any vacancy which may occur therein.

Repeal.
R. S., §§ 1159, 1168, 1194, 1208.

SEC. 8. That so much of section six of an act entitled (1) "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes," approved March third, eighteen hundred and sixty-nine, as applies to the Ordnance, Subsistence and Medical Departments of the Army be, and the same is hereby repealed:

Provided, That this section repealing said section shall not apply to any of the grades of the Medical or Ordnance Departments which are omitted or abolished by the provisions of this act. [*June* 23, 1874.]

NOTE.—(1) The provisions of the act of 1869, ch. 124, § 6 (15 Stat. L., 318), here referred to, are incorporated into the Revised Statutes in the sections noted in the margin.

CHAPTER 461.

June 23, 1874.
18 Stat. L., 250.

AN ACT TO PROTECT LINES OF TELEGRAPH CONSTRUCTED OR USED BY THE UNITED STATES FROM MALICIOUS INJURY AND OBSTRUCTION.

Wilful injury to works of United States telegraph lines, how punished.

Wilful injury to works of United States telegraph lines, how punished.
R. S., §§ 223, 5267.
1874, Feb. 4, ch. 22.
1874, June 3, ch. 205.

Be it enacted, &c., That any person or persons who shall wilfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall wilfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall wilfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction of the same, shall be punished by a fine of not less than one hundred nor more than one thousand dollars, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court. [*June* 23, 1874.]

CHAPTER 462.

June 23, 1874.
18 Stat. L., 250.

AN ACT TO PROVIDE FOR THE STAMPING OF UNSTAMPED INSTRUMENTS, DOCUMENTS OR PAPERS.

SECTION
1. Stamps may be affixed prior to January, 1876, to unstamped instruments.
2. Proceedings in such case.
2. Repeal.

Stamps may be affixed prior to January, 1876, to unstamped instruments.

Be it enacted, &c.

[SECTION 1], That all instruments, documents, and papers heretofore made, signed or issued, and subject to a stamp-duty or tax under any law heretofore existing and remaining unstamped, may be stamped by

any person having an interest therein, or, where the original is lost, a copy thereof, at any time prior to the first of January, eighteen hundred and seventy-six.

R. S., § 3422. 1876, Feb. 25, ch. 13. 105 Mass., 49.

And said instruments, documents, and papers and any record thereof, shall be as valid, to all intents and purposes as if stamped when made, signed or issued, but no right acquired in good faith shall in any manner be affected by such stamping as aforesaid.

Provided, That to render such stamping valid, the person desiring to stamp the same shall appear with the instrument, document, or paper, or copy thereof, before some judge or clerk of a court of record, and before him affix the proper stamp; and the said judge or clerk shall indorse on such writing or copy a certificate, under his hand, when made by said judge, and under his hand and seal, when made by said clerk, setting forth the date at which, and the place where, the stamp was so affixed, the name of the person presenting said writing or copy, the fact that it was thus affixed, and that the stamp was duly cancelled in his presence.

—proceedings in such case.

Sec. 2. That all laws or parts of laws in conflict with the above, are hereby repealed. [*June* 23, 1874.]

Repeal. 1862, ch. 119, §§ 94–110, ch. 163, § 24. 1862 (3d sess.), ch. 4, § 5. 12 Stat. L., 475, 560, 632.

CHAPTER 463.

AN ACT TO CHANGE THE TIMES OF HOLDING THE CIRCUIT AND DISTRICT COURTS AT THE CITY OF EVANSVILLE.

June 23, 1874.
18 Stat. L., 251.

Section
1. Circuit and district courts in Indiana to be held at Evansville on first Mondays of April and October.
2. Processes for August term continued.

Be it enacted, &c.

[Section 1], That the terms of the circuit and district courts of the United States for the district of Indiana, which are provided by law to be holden at the city of Evansville, shall hereafter be held at that city on the first Mondays of April and October in each year.

Circuit and district courts at Evansville. R. S., §§ 572, 658. 1878, June 18, ch. 269.

Sec. 2. That all suits which stand for trial at, and all writs, processes, and recognizances which are, or may be made, returnable to, the next August term of said courts, shall stand continued and be returnable to the next term thereof provided for in this act. [*June* 23, 1874.]

Processes for August term continued.

CHAPTER 464.

AN ACT TO PROTECT PERSONS OF FOREIGN BIRTH AGAINST FORCIBLE CONSTRAINT OR INVOLUNTARY SERVITUDE.

June 23, 1874.
18 Stat. L., 251.

Section
1. Bringing into United States, &c., kidnapped persons with intent to hold to involuntary servitude, how punished.
2. Accessories, how punished.

Be it enacted, &c.

[Section 1], That whoever shall knowingly and wilfully bring into the United States, or the Territories thereof, any person inveigled or forcibly kidnapped in any other country, with intent to hold such person so inveigled or kidnapped in confinement or to any involuntary service, and whoever shall knowingly and wilfully sell, or cause to be sold, into any condition of involuntarily servitude, any other person for any term whatever, and every person who shall knowingly and wilfully hold to involuntary service any person so sold and bought, shall be deemed

Bringing into United States, &c., kidnapped persons to hold to involuntary servitude, how punished. R. S., §§ 2161, 5375, 5525. 17 Blatch., 423.

guilty of a felony, and, on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding five thousand dollars.

— accessories, how punished.

SEC. 2. That every person who shall be accessory to any of the felonies herein declared, either before or after the fact, shall be deemed guilty of a felony, and on conviction thereof be imprisoned for a term not exceeding five years and pay a fine not exceeding one thousand dollars. [*June* 23, 1874.]

CHAPTER 465.

June 23, 1874.
18 Stat. L., 251.

AN ACT TO PROVIDE FOR THE CARE AND CUSTODY OF PERSONS CONVICTED IN THE COURTS OF THE UNITED STATES WHO HAVE OR MAY BECOME INSANE WHILE IMPRISONED.

SECTION
1. Insane convicts may be transferred to Hospital for Insane in District of Columbia.
2. Attorney-General may contract with State asylums for care of.
— to compensate asylums therefor.
SECTION
3. Convicts restored to sanity to be returned to prison.
Sanity, how determined.

Be it enacted, &c.

Insane convicts may be transferred to Hospital for Insane in District Columbia.
R. S., §§ 4851, 4852.

[SECTION 1], That upon the application of the Attorney-General, the Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Insane Asylum, in the District of Columbia, all persons who have been or shall be convicted of any offense in any court of the United States, and imprisoned in any State prison or penitentiary of any State or Territory, and who, during the term of their imprisonment, have or shall become and be insane.

— Attorney-General may contract with State asylums for care of.

SEC. 2. That in all cases where any person convicted in a court of the United States shall, while imprisoned under such conviction in any State prison or penitentiary, become and be insane, and there shall not be accommodation for such insane person at the Insane Asylum of the District of Columbia, or if for other reasons the Attorney-General is of opinion that such insane person should be placed at a State insane asylum rather than at said District Asylum, then the Attorney-General shall have power in his discretion to contract with any State insane or lunatic asylum, within the State in which such convict is imprisoned, for his care and custody while remaining so insane;

— to compensate asylums therefor.

And in all cases where such convicts shall have heretofore been, or shall hereafter be, transferred to a State asylum for insane convicts, in accordance with the laws of such State, the Attorney-General is hereby authorized and directed to compensate the said asylum, or the proper authorities controlling the same, for the care and custody of such insane convicts, until their removal or discharge, in such amounts as he shall deem just and reasonable; but no contract shall be made or compensation paid for the care of such insane person beyond their respective terms of imprisonment.

Convicts restored to sanity to be returned to prison.

SEC. 3. That whenever such insane convict shall be restored to sanity, after he or she shall have been transferred under the provisions of this act, he or she shall be returned to the prison or penitentiary from which the transfer was made, provided the term of imprisonment shall not have expired.

Sanity, how determined.

The questions of sanity in all cases arising under this act shall be determined in accordance with the rules and regulations of existing laws, State or national, on that subject, applicable to the prison, penitentiary, or asylum where such convict shall be confined. [*June* 23, 1874.]

CHAPTER 466.

AN ACT TO EXTEND THE TIME ALLOWED FOR THE REDEMPTION OF CERTAIN LANDS BY THE FIRST SECTION OF THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE REDEMPTION AND SALE OF LANDS HELD BY THE UNITED STATES UNDER THE SEVERAL ACTS LEVYING DIRECT TAXES, AND FOR OTHER PURPOSES" APPROVED JUNE EIGHTH, EIGHTEEN HUNDRED & SEVENTY-TWO, AND TO SUSPEND THE OPERATION OF THE FOURTH SECTION OF SAID ACT.

June 23, 1874.
18 Stat. L., 252.

SECTION
1. Time extended to June, 1876, for redemption of lands sold for direct taxes.
SECTION
2. Time extended for sale of unredeemed lands.

Be it enacted, &c.

[SECTION 1], That the time allowed in and by the first section of the act of Congress approved June eighth, eighteen hundred and seventy-two, entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes" be and the same is hereby extended for the term of two years from the first day of June, eighteen hundred and seventy-four.

Time extended for redemption of lands sold for direct taxes.
1872, ch. 337, § 1 (17 Stat. L., 331).
1875, Feb. 8, ch. 36, § 26.

SEC. 2. That the operation of the fourth section of said act be, and the same is hereby, suspended until the expiration of said term of two years from said first day of June. [*June* 23, 1874.]

—and of sale of unredeemed lands.
1872, ch. 337, § 4 (17 Stat. L., 331).

CHAPTER 467.

AN ACT TO AUTHORIZE THE USE OF GILT LETTERS FOR THE NAMES OF VESSELS.

June 23, 1874.
18 Stat. L., 252.

Names of vessels on stern may be in yellow or gilt letters.

Be it enacted, &c., That (1) section three of the act entitled "An act concerning the registering and recording of ships and vessels," approved December thirty-first, seventeen hundred and ninety-two, is hereby so amended as to allow the name of any vessel to be painted upon her stern in yellow or gilt letters. [*June* 23, 1874.]

Names of vessels on stern may be in yellow or gilt letters.
R. S., § 4178.

NOTE.—(1) The section here referred to, 1792, ch. 1, § 3 (1 Stat. L., 288), is incorporated into Revised Statutes in § 4178 noted in the margin.

CHAPTER 468.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO ESTABLISH A COURT FOR THE INVESTIGATION OF CLAIMS AGAINST THE UNITED STATES,'" APPROVED AUGUST 6TH, 1856.

June 23, 1874.
18 Stat. L., 252.

Court of Claims; three judges required for a quorum or to render decision.

Be it enacted, &c., That any three judges of the Court of Claims shall constitute a quorum; *Provided*, That the concurrence of three judges shall be necessary to the decision of any case. [*June* 23, 1874.]

Court of Claims; three judges required for quorum or to render decision.
R. S., § 1052.

CHAPTER 469.

AN ACT IN RELATION TO COURTS AND JUDICIAL OFFICERS IN THE TERRITORY OF UTAH.

June 23, 1874.
18 Stat. L., 253.

SECTION
1. In Utah Territory, marshal to attend all sessions of supreme and district courts, &c.
Service of process and mileage.
Deputy marshals; their appointment, bond, oath, &c.
—actions for misfeasance of, how brought.
Sheriffs may serve process.
SECTION
2. Attorney of United States for Utah to attend all courts, act as prosecuting officer, appoint assistants, &c.
Fees for services of assistants.
Prosecuting attorney may be elected in any county; his duties.
Cost of prosecution, how paid.

SECTION
3. Terms of supreme and district courts.
District courts; jurisdiction.
Probate courts; jurisdiction.
Divorce cases may be removed to district courts.
Probate courts may enter lands in trust.
Certain judgments confirmed.
Justices of peace; jurisdiction extended.
Appeals from justices of peace and probate courts.
Writs of error from Supreme Court of United States in certain cases.
Judge of any district may have assistance of other judges.
4. Jury list how prepared, &c.

SECTION
4. Drawing and summoning jury.
— names drawn not to be returned until, &c.
— additional jurors during term time.
Challenges.
Court and not jury to pronounce punishment.
Grand jury—duties and powers.
5. Notaries public to be appointed by governor, &c.
Approval of territorial act in part.
6. Commissioners to be appointed by supreme court of Territory.
7. Territorial act disapproved.
Fees of clerks, marshals, and attorneys.
District attorneys' salary limited.

Be it enacted, &c.

In Utah Territory, marshal to attend all sessions of supreme and district courts, &c.
R. S., §§ 776–792, 1876–1907.

[SECTION 1], That it shall be the duty of the United States marshal of the Territory of Utah, in person or by deputy, to attend all sessions of the supreme and district courts in said Territory, and to serve and execute all process and writs issued out of, and all orders, judgments, and decrees made by, said courts, or by any judge thereof, unless said court or judge shall otherwise order in any particular case.

Service of process and mileage.
R. S., § 1875.

All process, writs, or other papers left with said marshal, or either of his deputies, shall be served without delay, and in the order in which they are received, upon payment or tender of his legal fees therefor; and it shall be unlawful for said marshal to demand or receive mileage for any greater distance than the actual distance by the usual routes from the place of service or execution of process, writ, or other paper, to the place of return of the same, except that when it shall be necessary to convey any person arrested by legal authority out of the county in which he is arrested, said marshal shall be entitled to mileage for the whole distance necessarily traveled in delivering the person so arrested before the court or officer ordering such arrest.

Deputy marshals, their appointment, bond, oath, &c.
R. S., § 780.

Said marshal is hereby authorized to appoint as many deputies as may be necessary, each of whom shall have authority, in the name of said marshal, to perform any act with like effect and in like manner as said marshal; and the marshal shall be liable for all official acts of such deputies, as if done by himself. Such appointment shall not be complete until he shall give bond to said marshal with sureties, to be by him approved, in the penal sum of ten thousand dollars, conditioned for the faithful discharge of his duties; and he shall also take and subscribe the same oath prescribed by law to be taken by said marshal, and said appointment, bond and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory.

— actions for misfeasance of, how brought.

In actions brought against said marshal for the misfeasance or nonfeasance of any deputy it shall be lawful for the plaintiff at his option, to join the said deputy and the sureties on his bond with said marshal and his sureties.

Sheriffs may serve processes.
R. S., § 1876.

Any process either civil or criminal returnable to the supreme or district courts, may be served in any county, by the sheriff thereof or his legal deputy. and they may also serve any other process which may be authorized by act of the territorial legislature.

Attorney of United States for Utah to attend all courts, act as prosecuting officer, appoint assistants, &c.
R. S., § 1875.

SEC. 2. That it shall be the duty of the United States attorney in said Territory in person or by an assistant, to attend all the courts of record having jurisdiction of offenses as well under the laws of said Territory as of the United States, and perform the duties of prosecuting officer in all criminal cases arising in said courts, and he is hereby authorized to appoint as many assistants as may be necessary, each of whom shall subscribe the same oath as is prescribed by law for said United States attorney and the said appointment and oath shall be filed and remain in the office of the clerk of the supreme court of said Territory,

Fees for services of assistants.

The United States attorney shall be entitled to the same fees for services rendered by said assistants as he would be entitled to for the same services if rendered by himself.

Prosecuting attorney may be

The territorial legislature may provide for the election of a prosecuting attorney in any county; and such attorney, if authorized so to do

by such legislature, may commence prosecutions for offenses under the laws of the Territory within such county, and if such prosecution is carried to the district court by recognizance or appeal, or otherwise may aid in conducting the prosecution in such court.

elected in any county; his duties, &c.

And the costs and expenses of all prosecutions for offenses against any law of the territorial legislature shall be paid out of the treasury of the Territory.

Costs of prosecutions, how paid.

Sec. 3. That there shall be held in each year two terms of the supreme court of said Territory, and four terms of each district court, at such times as the governor of the Territory may by proclamation fix.

Terms of supreme and district courts. R. S., § 1916.

The district courts shall have exclusive original jurisdiction in all suits or proceedings in chancery, and in all actions at law in which the sum or value of the thing in controversy, shall be three hundred dollars or upward, and in all controversies where the title, possession, or boundaries of land, or mines or mining claims shall be in dispute, whatever their value, except in actions for forcible entry, or forcible and unlawful detainer; and they shall have jurisdiction in suits for divorce.

District courts, jurisdiction. R. S., § 1910.

Probate courts, in their respective counties shall have jurisdiction in the settlement of the estates of decedents, and in matters of guardianship and other like matters; but otherwise they shall have no civil, chancery, or criminal jurisdiction whatever; they shall have jurisdiction of suits of divorce for statutory causes concurrently with the district courts;

Probate courts, jurisdiction. R. S., § 1907.

But any defendant in a suit for divorce commenced in a probate court shall be entitled after appearance and before plea or answer, to have said suit removed to the district court having jurisdiction when said suit shall proceed in like manner as if originally commenced in said district court.

Divorce cases may be removed to district courts.

Nothing in this act shall be construed to impair the authority of the probate courts to enter land in trust for the use and benefit of the occupants of towns in the various counties of the Territory of Utah according to the provisions of(1) "An act for the relief of the inhabitants of cities and towns upon public lands," approved March second, eighteen hundred and sixty-seven and "An act to amend an act entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands'" approved June eighth, eighteen hundred and sixty-eight; or to discharge the duties assigned to the probate judges by an act of the legislative assembly of the Territory of Utah entitled "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns upon the public lands.'"

Probate courts may enter lands in trust. R. S., §§ 2387–3294.

All judgments and decrees heretofore rendered by the probate courts which have been executed, and the time to appeal from which has by the existing laws of said Territory expired, are hereby validated and confirmed.

—certain judgments of, confirmed.

The jurisdiction heretofore conferred upon justices of the peace by the organic act of said Territory is extended to all cases where the debt or sum claimed shall be less than three hundred dollars.

Justices of peace—jurisdiction extended.

From all final judgments of justices of the peace an appeal shall be allowed to the district courts of their respective districts, in the same manner as is now provided by the laws of said Territory for appeals to the probate courts; and from the judgments of the probate courts an appeal shall lie to the district court of the district embracing the county in which such probate court is held in such cases and in such manner as the supreme court of said Territory may, by general rules framed for that purpose, specify and designate, and such appeal shall vacate the judgment appealed from, and the case shall be tried de novo in the appellate court.

Appeals from justices of peace and probate courts.

Appeals may be taken from both justices' and probate courts to the district court of their respective districts in cases where judgments have

Note.—(1) The provisions here referred to of the act of 1867, ch. 177 (14 Stat. L., 541), and act of 1868, ch. 53 (15 Stat. L., 67), are incorporated into Revised Statutes in the sections noted in the margin.

been heretofore rendered and remain unexecuted; but this provision shall not enlarge the time for taking an appeal beyond the periods now allowed by the existing laws of said Territory for taking appeals.

Writs of error from Supreme Court of U. S. R. S., § 702. 93 U. S., 465.

A writ of error from the Supreme Court of the United States to the supreme court of the Territory shall lie in criminal cases, where the accused shall have been sentenced to capital punishment or convicted of bigamy or polygamy.

Judge of any district may have assistance of other judges.

Whenever the condition of the business in the district court of any district is such that the judge of the district is unable to do the same, he may request the judge of either of the other districts to assist him, and, upon such request made, the judge so requested may hold the whole or part of any term, or any branch thereof, and his acts as judge shall be of equal force as if he were duly assigned to hold the courts in such district.

Jury-list, how prepared, &c. 98 U. S., 153.

SEC. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district courts, of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge.

Drawing and summoning jury.

Whenever a grand or petit jury is to be drawn to serve at any term of a district court, the judge of such district shall give public notice of the time and place of the drawing of such jury, which shall be at least twelve days before the commencement of such term; and on the day and at the place thus fixed, the judge of such district shall hold an open session of his court, and shall preside at the drawing of such jury; and the clerk of such court shall write the name of each person on the jury lists returned and filed in his office upon a separate slip of paper, as nearly as practicable of the same size and form, and all such slips shall, by the clerk in open court, be placed in a covered box, and thoroughly mixed and mingled; and thereupon the United States marshal, or his deputy, shall proceed to fairly draw by lot from said box such number of names as may have previously been directed by said judge; and if both a grand and petit jury are to be drawn, the grand jury shall be drawn first; and when the drawing shall have been concluded, the clerk of the district court shall issue a venire to the marshal or his deputy, directing him to summon the person so drawn, and the same shall be duly served on each of the persons so drawn at least seven days before the commencement of the term at which they are to serve; and the jurors so drawn and summoned shall constitute the regular grand and petit juries for the term for all cases.

—names drawn not to be returned until, &c.

And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury-list shall be made.

—additional jurors during term time.

If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner.

Challenges.

Each party whether in civil or criminal cases, shall be allowed three peremptory challenges except in capital cases where the prosecution and the defense shall each be allowed fifteen challenges.

In criminal cases, the court, and not the jury, shall pronounce punishment under the limitation prescribed by law. Court and not jury to pronounce punishment.

The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the willful corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge of all public records within the district. Grand jury, duties and powers.

SEC. 5. That there shall be appointed by the governors of said Territory one or more notaries public for each organized county, whose term of office shall be two years, and until their successors shall be appointed and qualified. Notaries public to be appointed by governor, &c.

The act of the legislative assembly of the Territory of Utah entitled "An act concerning notaries public" approved January seventeenth, eighteen hundred and sixty-six, is hereby approved, except the first section thereof, which is hereby disapproved: *Provided*, That wherever, in said act, the words "probate judge" or "clerk of the probate court" are used, the words "secretary of the Territory" shall be substituted Approval of territorial act in part.

SEC. 6. That the supreme court of said Territory is hereby authorized to appoint commissioners of said court, who shall have and exercise all the duties of commissioners of the circuit courts of the United States, and to take acknowledgments of bail; and, in addition, they shall have the same authority as examining and committing magistrates in all cases arising under the laws of said Territory as is now possessed by justices of the peace in said Territory Commissioners to be appointed by supreme court of Territory. R. S., §§ 629, 727, 728, 945, 1014, 1042, 1778, 1982–1987, 3462, 4079–4081, 4546, 5270, 5271, 5296.

SEC. 7. That the act of the territorial legislature of the Territory of Utah entitled "An act in relation to marshals and attorneys," approved March third, eighteen hundred and fifty-two, and all laws of said Territory inconsistent with the provisions of this act, are hereby disapproved. Territorial act disapproved.

The act of the Congress of the United States entitled (2) "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February twenty-sixth, eighteen hundred and fifty-three, is extended over and shall apply to the fees of like officers in said Territory of Utah. Fees of clerks, marshals, and attorneys. R. S., §§ 823–856, 984, 1883.

But the district attorney shall not by fees and salary together receive more than thirty-five hundred dollars per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States. [*June* 23, 1874.] District attorney's salary limited. R. S., § 1881.

NOTE.—(2) The act here referred to, 1853, ch. 80 (10 Stat. L., 161), is incorporated into Revised Statutes in the sections noted in the margin.

CHAPTER 471.

AN ACT PROVIDING FOR THE SALE OF THE KANSAS INDIAN LANDS IN KANSAS TO ACTUAL SETTLERS, AND FOR THE DISPOSITION OF THE PROCEEDS OF THE SALE.

June 23, 1874.

18 Stat. L., 272.

SECTION
Preamble.
1. Settlers on Kansas Indian trust-lands may pay appraised value in instalments.
Purchasers of timber-land to give bond not to commit waste, and give notes to secure purchase-money.
2. Remainder of trust-lands, &c., subject to entry.
Payment of appraised value.

SECTION
2. Purchasers of timber-land to give bond, &c.
Persons failing to make payment to forfeit rights, and lands to be again sold.
Lands after one year may be sold at appraisal.
3. Testimony of settlers and purchasers may be taken before notaries public, &c.
4. Net proceeds of sales to belong to tribe in common; how held, used, &c.

Whereas, the Secretary of the Interior, in pursuance of an act approved May eighth, eighteen hundred and seventy-two has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Preamble. 1872, ch. 141 (17 Stat. L., 85).

Treaty (12 Stat. L., 1111).
1876, July 5, ch. 168.
1880, March 16, ch. 39.

Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November seventeenth, eighteen hundred and sixty, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act, Therefore,

Be it enacted, &c.

Settlers on Kansas Indian trust-lands may pay appraised value in instalments, &c.
1876, July 5, ch. 168.
1880, March 16, ch. 39.

[SECTION 1], That each bona fide settler on any of the trust-lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as bona fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to Superintendent Hoag, from the Indian Office, dated October twenty-fourth, eighteen hundred and seventy-two, be permitted to make payment of the appraised value of their lands to the local land office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual instalments; the first instalment payable on the first of January, eighteen hundred and seventy-five, and the remaining instalments payable annually from that time, and drawing interest at six per centum per annum until paid:

Purchasers of timber land to give bond not to commit waste, and give notes to secure purchase money.

Provided, That where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise, on said land until the last payment is made, and give his notes to secure the purchase money thereof on the terms aforesaid.

Remainder of trust-lands, &c., subject to entry.
1880, March 16, ch. 39, § 2.

SEC. 2. That all the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe.

Payment of appraised value.

And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One-fourth at the time that the entry is made, and the remainder in three equal annual payments, drawing interest at six per centum per annum, which payments shall be secured by notes payable to the United States, and the Secretary of the Interior, shall withhold title until the last payment is made;

Purchasers of timber-land to give bond, &c.

And the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter bond, with approved security, to commit no waste by the destruction of timber, or otherwise, on the premises, until final payment has been made; and the Secretary of the Interior shall cause patents in fee simple to be issued to all parties who shall complete purchases under the provisions of this act:

Persons failing to make payment to forfeit rights, and lands to be again sold.
1880, March 16, ch. 39, § 3.

Provided, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment, or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale, as though no action had been had in regard to the same:

And provided, That all of the lands not taken within twelve months after the passage of this act may be sold in amounts not to exceed one hundred and sixty acres to any one person, at the appraised price in the land district in which they are situated. Lands after one year may be sold at appraisal.

SEC. 3. That in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office. Testimony of settlers and purchasers may be taken before notaries public, &c.

SEC. 4. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and the residue not so required shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum, per annum and be held as a fund for their civilization, the interest of which and the principal, when deemed necessary by the President of the United States, may be used for such purpose. [*June* 23, 1874.] Net proceeds of sales to belong to tribe in common; how held and used, &c.

CHAPTER 472.

AN ACT TO FURTHER PROVIDE FOR THE SALE OF CERTAIN INDIAN LANDS IN KANSAS

June 23, 1874.

18 Stat. L., 273.

SECTION
1. Settlers on Miami Indian lands may make payment in three instalments.
SECTION
2. Purchasers of New York Indian lands, Kansas, may make payment in two instalments. Act to apply only to actual settlers.

Be it enacted, &c.

[SECTION 1], That those persons who by the provisions of the second section of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March third, eighteen hundred and seventy-three, are entitled to purchase, for cash, the land occupied by them at the appraised value thereof, be permitted to make payment for said lands at the land office at Topeka, Kansas, under such regulations as may be prescribed by the Secretary of the Interior, in three equal annual instalments; the first instalment to be payable on or before the thirtieth day of October, eighteen hundred and seventy-four, and the remaining two instalments annually thereafter, with interest at the rate of six per centum per annum, from the thirtieth day of October, eighteen hundred and seventy-four. Settlers on Miami Indian lands may make payment in three instalments. 1873, ch. 332 (17 Stat. L., 631).

SEC. 2. That those persons who, by the provisions of the act entitled "An act to provide for the sale of certain New York Indian lands in Kansas," approved February nineteenth, eighteen hundred and seventy-three, are entitled to enter and purchase, for cash, the lands in said act set forth, be permitted to make payment for the same at the land office at Independence, Kansas, under such regulations as the Secretary of the Interior may prescribe, in two equal instalments; the first instalment to be payable on or before the thirtieth day of September, eighteen hundred and seventy-five, and the remaining instalment within one year thereafter, with interest at the rate of six per centum per annum from said thirtieth day of September, eighteen hundred and seventy-five. Purchasers of New York Indian lands in Kansas may make payment in two annual instalments. 1873, ch. 167 (17 Stat. L., 466).

Provided, however, That this act shall only apply to actual settlers on the land so purchased. [*June* 23, 1874.] Act to apply only to actual settlers.

CHAPTER 475.

June 23, 1874.
18 Stat. L., 275.

AN ACT TO DECLARE THE BRIDGE ACROSS THE NIAGARA RIVER, AUTHORIZED BY THE ACT OF CONGRESS, APPROVED, JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY, A POST ROUTE.

Bridge across Niagara River declared a lawful structure and a post-route.

Bridge across Niagara River declared a lawful structure and a post-route.
1870, ch. 176 (16 Stat. L., 173).
R. S., vol. 2, Post-Roads, p. 1.

Be it enacted, &c., That the modifications in the plans of the bridge authorized by the act approved on the thirtieth day of June, eighteen hundred and seventy, as stated in the report of the board of engineers of the War Department, dated February seventh, eighteen hundred and seventy-one are hereby approved; and said bridge as constructed is hereby declared to be a lawful structure, and an established post-route for the mail of the United States. [*June* 23, 1874.]

CHAPTER 476.

June 23, 1874.
18 Stat. L., 275.

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO SUSPEND WORK UPON THE PUBLIC BUILDINGS.

SECTION
1. Work on public buildings may be suspended by Secretary of Treasury.
Unexpended balances available until completion
—to be covered into Treasury after completion.
SECTION
2. Selection of sites for public buildings.
—commissioners for, to file certain affidavits before expenditure of money; and on failure selection void.

Be it enacted, &c.

Work on public buildings may be suspended by Secretary of Treasury.

[SECTION 1], That the Secretary of the Treasury be, and he is hereby, authorized and directed to defer operations on any public buildings that are authorized by existing laws but not actually commenced, or to proceed with the same, as may, in his opinion, be for the best interests of the public service:

Unexpended balances available until completion.

Provided, That all moneys heretofore appropriated for the construction of public buildings and now remaining to the credit of the same on the books of the Treasury Department, or which may hereafter be appropriated for such buildings, shall remain available until the completion of the work for which they are, or may be, appropriated;

—to be covered into Treasury after completion.

And upon the final completion of each or any of said buildings, and the payment of all outstanding liabilities therefor, the balance or balances remaining shall be immediately covered into the Treasury.

Selection of sites for public buildings.
R. S., § 3734.
1875, March 3, ch. 130, § 1, par. 14.

SEC. 2. That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto.

—commissioners for, to file certain affidavits before expenditure of money, and on failure selection void.

No expenditure shall be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same, and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void. [*June* 23, 1874.]

CHAPTER 480.

AN ACT REGULATING GAS-WORKS.

June 23, 1874.

18 Stat. L., 277.

Section
1. Standard power and purity of gas in District of Columbia, &c.
Penalty for supplying gas of less power, &c.
2. Inspector of gas and meters to be appointed; his salary and duties.
Assistant inspector.
3. Laboratory for inspectors to be provided by Washington Gas-Light Company.
4. Companies and persons furnishing gas may be represented at each testing.
5. Inspection, record, and publication.
6. Bills to state power and be reduced if gas below standard.
7. Meters, how tested, &c.
Standard foot, &c.
Record of meters.
8. Meters now in use to be tested on request.
Meters to be first inspected, proved, sealed, &c.
Application of fees.

Section
9. Companies to remove meters for test and return same.
10. Inspector and assistant to give bond and take oath.
11. Price of gas.
Discount for prompt payment.
Advance or reduction of price according to price of coal.
Gas-Light Company to furnish statement to Secretary of Interior.
12. Gas to be furnished to District government at same rates as to United States.
Rate for light, cleaning, and repair, &c., of street-lamps.
13. Stoppage of gas for non-payment of bills and restriction on removal of meters.
14. Act may be amended or repealed.
15. Penalty for fraudulently obtaining gas.
16. Price to be uniform to all consumers.

Be it enacted, &c.

Standard power and purity of gas in District of Columbia, &c.

[Section 1], That from and after the thirtieth day of June, eighteen hundred and seventy-four, the illuminating power of the gas furnished by any gas-light company, person, or persons, in the District of Columbia, shall be equal to sixteen candles by the Bunsen photometer, using the English parliamentary standard Argand-burner, having fifteen holes and a seven-inch chimney, consuming five cubic feet of gas per hour, and such gas shall not contain more than twenty grains of sulphur in any form in one hundred cubic feet, nor more than five grains of ammonia in any form in one hundred cubic feet.

Penalty for supplying gas of less power, &c.

When the illuminating gas supplied by any company, person, or persons in the District of Columbia, shall at any one time be of less illuminating power or of less purity than according to the standard just heretofore given, it shall be so reported by the inspector of gas and meters to the company, person, or persons supplying the same, who shall be subject to a penalty of one hundred dollars, to be recovered before the proper tribunal and paid into the treasury of the District of Columbia aforesaid, for each and every day during which such violation shall continue:

Provided, however, That if it shall appear that such deviation from the above-named standards could not have been prevented by ordinary care and prudence, but was occasioned by some unavoidable cause, then the said penalty shall not be enforced.

Inspector of gas and meters to be appointed; his salary and duties.

Sec. 2. That a suitable and impartial person, competent as a chemist, who is not a stockholder or employee in any gas-works, shall be appointed by the President of the United States, by and with the advice and consent of the Senate to be designated and known as inspector of gas and meters, whose compensation shall be a salary of two thousand dollars per annum, and whose duties shall be to test and determine the illuminating power and purity of the gas furnished by any company, person, or persons in the District of Columbia; and to test, prove, and seal all meters that may be hereafter used by them;

Assistant inspector.

And that a suitable person, who shall be a gas-fitter by trade, shall be appointed by the President, as aforesaid, on the recommendation of the inspector of gas and meters, as an assistant inspector, at a salary of one thousand dollars per annum, who shall assist in the duties specified under the direction of the inspector of gas and meters.

Laboratory for inspectors to be provided by Washington Gas-Light Company.

Sec. 3. That a laboratory shall be provided and fitted up by the Washington Gas-Light Company, subject to the approval of the inspector, in the central part of the city of Washington, at a distance as near as may be, of two thousand feet from any gas-works, and furnished with suitable apparatus for the transaction of the business of the inspector and assistant inspector, for which it is intended, and the laboratory shall be kept open on all business-days between the hours of eight o'clock in the forenoon and five o'clock in the afternoon:

Provided, That the cost of fitting up said laboratory shall be paid for by each Gas Company in the District of Columbia in proportion to their sale of gas for the year eighteen hundred and seventy-three.

Companies and persons furnishing gas may be represented at each testing.

SEC. 4. That the company, person or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector or assistant inspector, be represented by some officer, but such officer shall not interfere in the testing.

Inspection, record and publication.

SEC. 5. That daily inspections, Sundays excepted, shall be made in conformity to the intent of this act between the hours of five and eleven o'clock in the afternoon, and a record shall be kept of each inspection, giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspection shall be furnished the following day to the company, person, or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Washington on the day of their publication, next after the twenty-fourth day of each month, to include each day's test from the date of previous publication, and giving the average illuminating power for the month.

Bills to state power and be reduced if gas below standard.

SEC. 6. That all bills for gas furnished by any company, person, or persons shall state the average illuminating power for the month; and if the same shall fall below sixteen candles, as in this act prescribed, then the amount of the bill shall be reduced pro rata.

Meters, how tested, &c.

SEC. 7. That in testing meters, the inspector or assistant inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water-guage, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate.

Standard foot, &c.

The standard foot shall be one cubic foot, containing sixty-two and three hundred and twenty-one one-thousandths pounds, avoirdupois weight, of distilled water at the temperature of sixty-two degrees Fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within two per centum either way of the exact number of such feet passing through them at the first-named rate, and within three per centum at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector.

Record of meters.

The inspector shall keep at the laboratory a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person, or persons having any interest therein.

Meters now in use to be tested on request.

SEC. 8. That any gas-meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance to the inspector or assistant inspector of fifty cents for each and every meter inspected, proved, and sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer to an extent exceeding two per centum, the fee of fifty cents shall be returned to the person applying for said inspection and be paid to the inspector by the company, person, or persons supplying the gas; and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than two per centum, and a record shall be kept of the same and of all fees so collected.

Meters to be first inspected, proved, and sealed.

And all meters hereafter used by any gas-company, person, or persons shall be first inspected, proved, and sealed at the laboratory provided for by this act; and for such inspection, proving, and sealing the company, in the first instance, and thereafter the company, person, or persons applying to have the meter inspected, shall pay fifty cents for each meter, a record of which shall be kept and of the fees so collected;

And all fees shall be applied to the payment of the expenses for maintaining and keeping in good order and repair the laboratory and apparatus.

Companies to remove meters for test and return same.

Sec. 9. That each company, person, or persons manufacturing illuminating gas in the District of Columbia, shall, when required, in writing, by the inspector of gas and meters, bring to the laboratory any meter that may have been required to be inspected, proved, and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

Inspector and assistant to give bond and take oath.

Sec. 10. That the inspector and assistant inspector of gas and meters shall each give bonds to the extent of double his annual salary, and shall each take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently, and impartially discharge the duties of his office.

Price for gas.

Sec. 11. That the Washington Gas-Light Company shall be authorized, on and after the passage of this act, to charge and receive for illuminating gas furnished to and paid for by the Government of the United States, at the rate of two dollars and fifty cents per one thousand cubic feet; and when furnished and paid for by other parties, or by the inhabitants of the city of Washington, at the rate of two dollars and seventy-five cents per one thousand cubic feet:

Discount for prompt payment.

Provided, That if the party or inhabitants so furnished shall pay monthly any bill within seven days after the same shall have been presented, said party shall be entitled to a discount upon the amount of such bill at the rate of twenty-five cents per one thousand cubic feet. And all laws authorizing any higher rates are hereby repealed:

Advance or reduction of price according to price of coal.

Provided, That when the price of gas coals delivered at the works of the Washington Gas-Light Company shall advance to eight dollars and fifty cents per ton the price of gas to consumers may be advanced ten cents per thousand cubic feet and an additional ten cents per thousand feet for each additional dollar per ton that gas coals may advance in price and in like manner a reduction of ten cents per thousand feet shall be made for each and every dollar per ton that gas coals may fall in price below seven dollars per ton.

Gas-Light Company to furnish statement to Secretary of Interior.

And for that purpose the Washington Gas-Light Company shall in the month of May in each year furnish the Secretary of the Interior with a statement of all their coal contracts or purchases for the ensuing year excepting the Ritchie mineral and the Richmond coal, the cost of which shall not enter into any calculation in making an average, which statement shall be sworn to before a Justice of the Peace by their Engineer and Secretary, and the advance or reduction of price shall take place on the first of July ensuing.

Gas to be furnished to District government at same rate as to United States.

Sec. 12. That the Washington Gas-Light Company shall be authorized and required to furnish illuminating gas to the government of the District of Columbia within the distance of fifty yards from any of their mains, on the same terms as to the Government of the United States, and in case of the non-payment of any monthly bills by the said District beyond the period of ten days from the time of presentation, the company shall be entitled to demand and receive interest thereon from date until paid.

Rate for light, cleaning and repair, &c., of street-lamps.

And the said company shall light, extinguish, keep clean, and repair the Washington City street-lamps at the uniform price of forty dollars for each lamp per annum, to burn two thousand two hundred hours per annum, with a six-foot burner on each lamp, subject to any regulation that may be prescribed by the city authorities as to the time of lighting and extinguishing the same, and any extra number of hours to be charged and paid for at the same rate: *Provided*, That the city of Washington shall furnish, when necessary, new lanterns to replace old ones, and shall furnish and pay for the reasonable expense of erecting new lamp-posts to replace such as are old, damaged, and unfit for use.

Stoppage of gas for non-payment of bills, and restriction on removal of meters.

SEC. 13. That if any person or persons, supplied with gas, neglect or refuse to pay the amount due for the same, such company may stop the gas from entering the premises of such person or persons. In no case shall the officers, servants, or workmen of the company remove a meter from premises supplied by the company, unless by consent of the consumer, without first giving forty-eight hours' notice in writing by leaving the same at the premises of the consumer; and said removal shall take place only between the hours of eight o'clock in the forenoon and two o'clock in the afternoon.

Act may be amended or repealed.

SEC. 14. That it shall be lawful for Congress at any time hereafter to alter, amend, or repeal this act, and all acts and parts of acts inconsistent herewith are hereby repealed.

Penalty for fraudulently obtaining gas.

SEC. 15. That any person who, with intent to injure or defraud any gas company in the District of Columbia, shall make or cause to be made any pipe, tube or other instrument or contrivance, or connect the same, or cause it to be connected with any main service pipe or other pipe for conducting or supplying illuminating gas in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by which illuminating gas is consumed, around or without passing through the meter provided for the measuring and registering of the quantity of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceeding two hundred and fifty dollars.

Price to be uniform to all consumers.

SEC. 16. That the price which may be charged for gas by any Gas-Light Company in the District of Columbia shall be uniform and the same to all consumers and any reduction made in the price or cost to any person or persons, except to officers of the company, shall furnish a legal right on the part of any other person or persons to demand gas at the same cost or price. [*June* 23, 1874.]

CHAPTER 486.

June 23, 1874.

18 Stat. L., 282.

AN ACT TO FIX THE SALARIES OF THE CLERKS AT THE UNITED STATES ARMORY IN SPRINGFIELD, MASSACHUSETTS.

Salaries of clerks at Springfield armory.

Salaries of clerks at Springfield armory. R. S., § 1663.

Be it enacted, &c., That on and after the passage of this act, in lieu of the compensation now allowed to the clerks at the United States armory in Springfield, Massachusetts, including fuel and quarters, there shall be paid to each of said clerks an annual salary of one thousand six hundred and fifty dollars. [*June* 23, 1874.]

CHAPTER 488.

June 23, 1874.

18 Stat. L., 283.

AN ACT TO EXTEND THE TIME FOR COMPLETING ENTRIES OF OSAGE INDIAN LANDS IN KANSAS.

Settlers on Osage Indian lands allowed till June 23, 1875, to make proof and payment.

Settlers on Osage Indian lands allowed till June 23, 1875, to make proof and payment. R. S., §§ 2283, 2284. 1876, Aug. 11, ch. 259. 1880, May 28, ch. 107.

Be it enacted, &c., That all actual settlers upon the Osage Indian trust and diminished reserve lands in the State of Kansas shall be allowed one year from the passage of this act in which to make proof and payment:

Provided, That all purchasers who avail themselves of the provisions of this act shall pay interest on the purchase price of their lands at the rate of five per centum from the date when payment was required by previous laws to date of actual payment:

And provided further, That no further extension of payment shall be granted than that provided for in this act, and that all occupants now upon said Osage lands shall file their application to purchase the lands occupied by them within three months after the passage of this act, or forfeit all right or claim to the same. [*June* 23, 1874.]

CHAPTER 490.

AN ACT TO FURTHER DEFINE AND ENLARGE THE POWERS AND DUTIES OF THE BOARD OF HEALTH OF THE DISTRICT OF COLUMBIA.

June 23, 1874.
18 Stat. L., 283.

Board of Health to secure record of vital statistics, &c.

Be it enacted, &c., That it shall be the duty of the Board of Health of the District of Columbia to make and enforce regulations to secure a full and correct record of vital statistics, including the registration of deaths and the interment of the dead in said District. [*June* 23, 1874.]

Board of Health to secure record of vital statistics, &c.
R. S., Vol. 2, Dist. Col., §§ 72, 73.
1878, June 11, ch. 180, § 8.
1880, Resolution, April 24, No. 25, p. 574.

RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION PROVIDING FOR A CHANGE IN THE NAME AND TITLE OF THE AGENT AND CONSUL-GENERAL OF THE UNITED STATES AT ALEXANDRIA.

Jan. 8, 1874.
18 Stat. L., 285.

Agent and consul-general at Cairo, title of.

Resolved, &c., That the name and title of the agent and consul-general of the United States at Alexandria shall, from the passage of this joint resolution, be "agent and consul-general of the United States at Cairo." [*January* 8, 1874.]

Agent and consul-general at Cairo, title of.
R. S., §§ 1675, 1676.
1875, March 3, ch. 153.
1878, June 4, ch. 155.

NUMBER 6.

JOINT RESOLUTION EXPLANATORY OF RESOLUTION APPROVED JANUARY 31, 1868, ENTITLED "A RESOLUTION LIMITING CONTRACTS FOR STATIONERY AND OTHER SUPPLIES IN THE EXECUTIVE DEPARTMENTS TO ONE YEAR."

March 24, 1874.
18 Stat. L., 286.

Limitation of certain contracts of departments to supplies of one year not to apply to mail bags, locks, postal cards, &c.

Resolved, &c., That the resolution approved January thirty-first, eighteen hundred and sixty-eight, entitled(1) "A resolution limiting contracts for stationery and other supplies in the Executive Departments to one year," shall not be held, or construed, to apply to, or include, mail-bags, mail locks and keys, postal cards, postage stamps, newspaper wrappers, or stamped envelopes. [*March* 24, 1874.]

Limitation of certain contracts of Departments to supplies of one year not to apply to mail bags, locks, postal cards, &c.
R. S., § 3735.

NOTE.—(1) The resolution of 1868, No. 8 (15 Stat. L., p. 246), here referred to, is incorporated into Revised Statutes, § 3735.

NUMBER 12.

JOINT RESOLUTION DIRECTING THE PUBLIC PRINTER TO KEEP AN ACCOUNT OF ALL EXPENDITURES FOR PRINTING, MAILING, AND BINDING THE CONGRESSIONAL RECORDS, &C.

June 20, 1874.
18 Stat. L., 288.

Public Printer to keep and report to Congress separate account of expenses of Congressional Record.

Resolved, &c., That the Congressional Printer be, and he is hereby, directed to keep a separate and exact account in detail of all expenditures for printing, mailing, and binding the Congressional Records, including specific statements of the cost of all machinery and material which may

Public Printer to keep and report to Congress separate account of expense

of Congressional Record.
R. S., § 3760.
1876, July 31, ch. 246.
1876, Aug. 15, ch. 287, § 1, par. 3.

have been or shall be used for the publication of said Record, commencing with its first publication at the Government Printing Office; and that he shall publish the amounts thus yearly expended, in his next succeeding annual report, and each succeeding report, separately from the other disbursements of his office. [*June* 20, 1874.]

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-THIRD CONGRESS—SECOND SESSION,

IN

THE YEARS 1874–1875.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
R. S. refers to Revised Statutes; STAT. L. to Statutes at Large.

CHAPTER 2.

AN ACT TO CONFIRM AN AGREEMENT MADE WITH THE SHOSHONE INDIANS (EASTERN BAND) FOR THE PURCHASE OF THE SOUTH PART OF THEIR RESERVATION IN WYOMING TERRITORY.

Dec. 15, 1874.
18 Stat. L., 291.

SECTION
1. Agreement with eastern band of Shoshone Indians confirmed.
What cattle to be furnished
ARTICLES OF AGREEMENT.
Preamble.
Art. 1. Cession to United States of part of reservation in Wyoming Territory.
SECTION
Art. 2. Compensation to be paid by United States.
Salary to be paid to chief.
Art. 3. Southern line of reservation to be surveyed, &c.
Art. 4. Agreement subject to ratification, &c.

Be it enacted, &c.

[SECTION 1], That the agreement entered into on the twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, between Felix R. Brunot, commissioner on the part of the United States, and the chief, head-men, and men of the eastern band of Shoshone Indians, in the words and figures following, be, and the same is hereby, confirmed, satisfied, (1) and approved by the Congress and President of the United States:

Agreement with eastern band of Shoshone Indians confirmed.

Provided; That the cattle furnished under this agreement shall be good, young American cattle, suitable for breeding purposes.

What cattle to be furnished.

ARTICLES

of a convention made and concluded at the Shoshone and Bannock Indian agency in Wyoming Territory, this twenty-sixth day of September, in the year of our Lord, eighteen hundred and seventy-two, by and between Felix R. Brunot, commissioner on the part of the United States, and the chief, head men, and men of the eastern band of Shoshone Indians, constituting a majority of all the adult male Indians of said band on (2) tribe of Indians, and duly authorized to act in the premises, witnesseth:

Articles of agreement.

That whereas by article eleven of a treaty with the Shoshone (eastern band) and Bannock tribes of Indians, made the third day of July, eighteen hundred and sixty-eight, at Fort Bridger, Utah Territory, a reservation was set apart for the use and occupancy of said tribes of Indians in the following words: "The United States further agrees that the following district of country, to wit; 'commencing at the mouth of Owl Creek and running, due south, to the crest of the divide between the Sweetwater and the Papo-Agie Rivers; thence along the

Preamble. Treaty (15 Stat. L., 673).

NOTES.—(1) This word is so written on the roll. It should be,—ratified.
(2) So written on the roll, should be,—or.

crest of said divide and the summit of Wind River Mountains to the longitude of North Fork of Wind River; thence due north, to mouth of said Nork Fork, and up its channel to a point twenty miles above its mouth; thence in a straight line to head-waters of Owl Creek, and, along middle of channel of Owl Creek, to place of beginning,' shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Shoshone Indians herein named;"

And whereas, previous to and since the date of said treaty, mines have been discovered, and citizens of the United States have made improvements within the limits of said reservation, and it is deemed advisable for the settlement of all difficulty between the parties, arising in consequence of said occupancy, to change the southern limit of said reservation:

Cession to United States of part of reservation in Wyoming Territory.

I. The Shoshone band or tribe of Indians (eastern band) hereby cede to the United States of America that portion of their reservation in Wyoming Territory which is situated south of a line beginning at a point on the eastern boundary of the Shoshone and Bannock reservation, due east to the mouth of the Little Papo-Agie, at its junction with the Papo-Agie, and running from said point west to the mouth of the Little Papo-Agie; thence up the Papo-Agie to the North Fork, and up the North Fork to the mouth of the canyon; thence west to the western boundary of the reservation.

—compensation to be paid by United States.

II. The United States agree to pay to the Shoshone (eastern band) or tribe the sum of twenty-five thousand dollars; said sum to be expended under the direction of the President for the benefit and use of said Indians in the following manner, viz:

On or before the tenth day of August of each year, for the term of five years after the ratification of this agreement, five thousand dollars shall be expended in the purchase of stock-cattle, and said cattle delivered to the Shoshones on their reservation.

Salary to be paid to the chief.

Second. The salary of five hundred dollars per annum shall be paid by the United States for the term of five years to Wash-a-kie, chief of the Shoshones.

Southern line of reservation to be surveyed, &c.

III. Within the term of six months, and as soon as practicable after the ratification of this agreement, the United States shall cause the southern line of the Shoshone reservation, as herein designated, to be surveyed, and marked at suitable points on the ground, and until said line has been so surveyed and marked, the United States binds itself not to permit the intrusion of any white person upon any of the agricultural or other lands within the limit of the district proposed to be ceded.

Agreement subject to ratification.

IV. This convention or agreement is made subject to the approval of the President and the ratification or rejection of the Congress of the United States. [*December* 15, 1874.]

CHAPTER 5.

Dec. 21, 1874.
18 Stat. L., 293.

AN ACT RELATING TO THE DISPOSITION OF CERTAIN LANDS TO BE RECLAIMED IN SECTIONS FOURTEEN, TWENTY-THREE, AND TWENTY-SIX, IN TOWNSHIP SIXTEEN NORTH, OF RANGE TWENTY, IN THE COUNTY OF SHEBOYGAN, IN THE STATE OF WISCONSIN.

Reclaimed swamp lands in Sheboygan County, Wisconsin, released to adjoining owners on payment, &c.

Reclaimed swamp lands in Sheboygan County, Wisconsin, released to adjoining owners on payment, &c.

Be it enacted, &c., That so much of the bed of the marsh or pond in sections fourteen, twenty-three, and twenty-six, in township sixteen north, of range twenty east of the fourth principal meridian, in the county of Sheboygan, in the State of Wisconsin, as shall or may be reclaimed by draining the water from the same, shall be owned and held, so far as any rights or interests of the United States are concerned, by the owners of the lands abutting upon said marsh or pond, and draining the same to the centre or thread thereof, and divided among the several owners adjoining and abutting said marsh or pond, according to the rules of law, upon payment by said adjoining owners into the treasury of the United States of one dollar and twenty-five cents per acre for the amount of land that has been or may be so reclaimed. [*December* 21, 1874.]

CHAPTER 9.

Dec. 28, 1874.
18 Stat. L., 293.

AN ACT PROVIDING FOR THE AUTHENTICATION OF THE REVISED STATUTES OF THE UNITED STATES AND FOR PRESERVING THE ORIGINALS OF ALL LAWS IN THE DEPARTMENT OF STATE.

SECTION
1. Certificate to Revised Statutes, first edition. — not to be under seal.
2. Bills, orders, resolutions, and votes of Congress which become laws to be preserved by Secretary of State.

Certificate to Revised Statutes, 1st edition.

Be it enacted, &c.

[SECTION 1], That the certificate to the printed volume of the Revised Statutes of the United States required by section two of "An act pro-

viding for publication of the Revised Statutes and laws of the United States", approved June twentieth, eighteen hundred and seventy-four, shall be made by the Secretary of State under the seal of the Department of State,

1874, June 20, ch. 333, § 2.
15 Ct. Cl., 86.

And so much of said section as provides that such certificate shall be under the seal of the United States, is hereby repealed.

—not to be under seal.

SEC. 2. That section number two hundred and four of the revised statutes of the United States shall hereafter read as follows: (1)

Bills, orders, resolutions, and votes of Congress which become laws to be preserved by Secretary of State.
R. S., § 204.
15 Ct. Cl., 86.

Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President.

And whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals. [*December* 28, 1874.]

NOTE.—(1) This amendment is incorporated in the second edition of the Revised Statutes.

CHAPTER 10.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS.

Dec. 28, 1874.
18 Stat. L., 294.

SECTION
1. Homestead and pre-emption settlers whose lands were injured by grasshoppers in 1874 and 1875 may be absent without prejudice.
2. During absence no adverse rights acquired.
3. Time for making proof extended.

Be it enacted, &c.

[SECTION 1], That it shall be lawful for homestead and pre-emption settlers on the public lands, whose crops were destroyed or seriously injured by grasshoppers in the year eighteen hundred and seventy-four to leave and be absent from said lands until July first, eighteen hundred and seventy-five, under such regulations as to proof of the same as the Commissioner of the General Land Office may prescribe;

Homestead and pre-emption settlers whose lands were injured by grasshoppers in 1874 and 1875 may be absent without prejudice.
1876, June 19, ch. 134.
1879, July 1, ch. 63.

And where such grasshoppers shall re-appear in eighteen hundred and seventy-five, to the like destruction of the crops of settlers, the right to leave and be absent as aforesaid shall continue to July first, eighteen hundred and seventy-six.

SEC. 2. That during such absence no adverse rights shall attach to said lands; such settlers being allowed to resume and perfect their settlement as though no such absence had been enjoyed or allowed.

During absence no adverse rights acquired.
1876, June 19, ch. 134.

SEC. 3. That the time for making final proof and payment by pre-emptors whose crops have been destroyed or injured as aforesaid, is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act. [*December* 28, 1874.]

Time for making proof extended.

CHAPTER 12.

AN ACT SUSPENDING SO MUCH OF THE ACT ENTITLED "AN ACT RE-ORGANIZING THE SEVERAL STAFF-CORPS OF THE ARMY," APPROVED JUNE TWENTY-THIRD, EIGHTEEN HUNDRED AND SEVENTY-FOUR, AS APPLIES TO CONTRACT-SURGEONS.

Jan. 1, 1875.
18 Stat. L., 294.

Limitation of number of contract-surgeons in Army suspended.

Be it enacted, &c., That so much of the act entitled "An act re-organizing the several staff-corps of the Army", approved June twenty-third, eighteen hundred and seventy-four, as applies to contract-surgeons, be, and is hereby, suspended until otherwise provided by law. [*January* 1, 1875.]

Limitation of number of contract-surgeons in Army suspended.
R. S., § 1168.
1874, June 23, ch. 458, § 4.

CHAPTER 13.

Jan. 11, 1875.
18 Stat. L., 294.

AN ACT TO CREATE AN ADDITIONAL LAND-DISTRICT IN THE STATE OF OREGON, TO BE CALLED THE DALLES LAND-DISTRICT.

SECTION
1. The Dalles land-district in Oregon established. Land office at The Dalles, but may be changed by President.
2. Register and receiver.
3. Lands subject to sale. Sales at office of old district confirmed.

Be it enacted, &c.

The Dalles land-district, in Oregon, established.
R. S., § 2256, 2d ed., p. 409.

[SECTION 1], That the President of the United States be, and he is hereby, authorized to establish an additional land-district in the State of Oregon, which district shall be bounded as follows, viz:

Commencing on the Columbia River at the intersection of the range-line, between ranges eight and nine east, thence south on said range-line to the fourth standard parallel, which is the north boundary of the Linkton land-district; thence east on said parallel to range twenty-seven east; thence north on range-line between ranges twenty-six and twenty-seven to the Columbia River; thence down said river to the place of beginning, comprising all that land in Oregon situate north of the Linkton land-district and between ranges eight and twenty-seven east of the Willamette meridian.

Land-office at The Dalles, but may be changed by President.

Said district, as above bounded, shall be known and designated as The Dalles district; and the office of said district shall be located at the city of The Dalles, or such place as the President shall direct, in the State of Oregon; and the President of the United States shall have power to change the location of said land-office, in said State, from time to time, as the public interests may seem to require.

Register and receiver.
R. S., § 2234.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land-office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are, or may be, prescribed by law in relation to other land-officers in said State.

Lands subject to sale.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States:

Sales at office of old district confirmed.

Provided, That all sales and locations made at the office of the old district of lands situated within the limits of the new district, which shall be valid and right in other respects, up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed. [*January* 11, 1875.]

CHAPTER 14.

Jan. 11, 1875.
18 Stat. L., 295.

AN ACT EXPLANATORY OF THE RESOLUTION ENTITLED "A RESOLUTION FOR THE RELIEF OF SETTLERS UPON THE ABSENTEE SHAWNEE LANDS IN KANSAS," APPROVED APRIL SEVENTH, EIGHTEEN HUNDRED AND SIXTY-NINE.

Preamble.
Settlers on Absentee Shawnee lands in Kansas may purchase same.

Preamble.
Treaty with Shawnee Indians (10 Stat. L., 1053).

Whereas several tracts of land ceded to the Shawnee Indians by the treaty concluded between them and the United States which was proclaimed November second, eighteen hundred and fifty-four, were erroneously set apart and allotted to various individuals of the Shawnee tribe of Indians, and which said allotments were subsequently canceled, and therefore form a part of the residuum of the land which by the treaty aforesaid was to be set apart for the Absentee Shawnees: Therefore,

Settlers on Absentee Shawnee lands in Kansas

Be it enacted, &c., That the terms of the resolution approved seventh April, eighteen hundred and sixty-nine, (1) for the relief of the settlers upon the Absentee Shawnee lands in Kansas, should be extended to

NOTE.—(1) See note on following page.

those settlers who now occupy and have improved tracts of land known and described as the east half of the northeast quarter and the southwest quarter of the northeast quarter of section twenty-nine, in township twelve, of range twenty-three east, of the sixth principal meridian; the south half of the southwest quarter of section five; the south half of the southwest quarter, the north half of the southwest quarter, and the northwest quarter of section eight, in township thirteen of range twenty-two east, of the sixth principal meridian; all located in the State of Kansas, within the boundaries of the tract ceded to the Shawnees by the treaty proclaimed on the second November, eighteen hundred and fifty-four. [*January* 11, 1875.]

may purchase same.
1869, Res. No. 9 (16 Stat. L., 53).
1881, March 1, ch. 97.

NOTE.—(1) The resolution referred to in this act is as follows:
"*Resolved, &c.*, That each *bona fide* settler now occupying said lands and having made improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at the price of two dollars and fifty cents per acre, under such rules and regulations as the Secretary of the Interior shall prescribe:
"*Provided, however*, That the proceeds of said sales shall be applied in accordance with the provisions [of the treaty] between the United States and the said Shawnee Indians, proclaimed November second, anno Domini eighteen hundred and fifty-four."

CHAPTER 15.

AN ACT TO PROVIDE FOR THE RESUMPTION OF SPECIE PAYMENTS.

Jan. 14, 1875.
18 Stat. L., 296.

SECTION
1. Silver coins to be issued and fractional currency redeemed.
2. Charge for coining gold repealed.
3. Aggregate circulation of national banks not limited.
United States notes in excess of three hundred million to be withdrawn as bank circulation increases. *Repealed.*
3. Resumption of specie payment for legal-tender notes.
Sale of bonds to provide for redemption.
Repeal.

Be it enacted, &c.

Silver coins to be issued and fractional currency redeemed.
R. S., §§ 3513–3517, 3572.

[SECTION 1], That the Secretary of the Treasury is hereby authorized and required, as rapidly as practicable, to cause to be coined at the mints of the United States, silver coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue them in redemption of an equal number and amount of fractional currency of similar denominations, or, at his discretion, he may issue such silver coins through the mints, the subtreasuries, public depositaries, and post-offices of the United States; and, upon such issue, he is hereby authorized and required to redeem an equal amount of such fractional currency, until the whole amount of such fractional currency outstanding shall be redeemed.

Charge for coining gold repealed.
R. S., § 3524.

SEC. 2. That so much of section three thousand five hundred and twenty-four of the Revised Statutes of the United States as provides for a charge of one-fifth of one per centum for converting standard gold bullion into coin is hereby repealed, and hereafter no charge shall be made for that service.

Aggregate circulation of national banks not limited; repealing.
R. S., §§ 5177–5180.
1874, June 20, ch. 343, §§ 7–9.

SEC. 3. That section five thousand one hundred and seventy-seven of the Revised Statutes of the United States, limiting the aggregate amount of circulating-notes of national banking-associations, be, and is hereby, repealed; and each existing banking-association may increase its circulating-notes in accordance with existing law without respect to said aggregate limit; and new banking-associations may be organized in accordance with existing law without respect to said aggregate limit; and the provisions of law for the withdrawal and redistribution of national-bank currency among the several States and Territories are hereby repealed.

United States notes in excess of three hundred million to be with-

[**Rep.**] [And whenever, and so often, as circulating-notes shall be issued to any such banking-association, so increasing its capital or circulating-notes, or so newly organized as aforesaid, it shall be the duty of the Secretary of the Treasury to redeem the legal-tender United States

drawn as bank circulation increases. R. S., § 3582. 1874, June 20, ch. 343, § 6. *Repealed by* 1878, May 31, ch. 146.

notes in excess only of three hundred million of dollars, to the amount of eighty per centum of the sum of national-bank notes so issued to any such banking-association as aforesaid, and to continue such redemption as such circulating-notes are issued until there shall be outstanding the sum of three hundred million dollars of such legal-tender United States notes, and no more.]

Resumption of specie payment for legal-tender notes January 1, 1879.

And on and after the first day of January, anno Domini eighteen hundred and seventy-nine, the Secretary of the Treasury shall redeem, in coin, the United States legal-tender notes then outstanding on their presentation for redemption, at the office of the assistant treasurer of the United States in the city of New York, in sums of not less than fifty dollars.

Sale of bonds to provide for redemption. 1870, ch. 256 (16 Stat. L., 272). 15 Opin. Att'y-Gen., 359.

And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July fourteenth, eighteen hundred and seventy, entitled, "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Repeal.

And all provisions of laws inconsistent with the provisions of this act are hereby repealed. [*January* 14, 1875.]

CHAPTER 18.

Jan. 18, 1875.

18 Stat. L., 297.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

Expenses of officers of Navy traveling under orders not to be paid unless approved by Secretary, &c.

Be it enacted, &c. * * *

* * * * * * * *

Expenses of officers of Navy traveling under orders not to be paid unless approved by Secretary, &c.

That no allowance shall be made in the settlement of any account for travelling expenses unless the same be incurred for travelling expenses [*of officers travelling under orders*] unless the same be incurred on the order of the Secretary of the Navy, or the allowance be approved by him. * * * [*January* 18, 1875.]

CHAPTER 19.

Jan. 19, 1875.

18 Stat. L., 302.

AN ACT TO REMOVE THE LIMITATION RESTRICTING THE CIRCULATION OF BANKING-ASSOCIATIONS ISSUING NOTES PAYABLE IN GOLD.

Limit of circulation of banks issuing gold notes repealed.

Limit of circulation of banks issuing gold notes repealed. R. S., § 5185.

Be it enacted, &c., That so much of section five thousand one hundred and eighty-five of the Revised Statutes of the United States as limits the circulation of banking-associations, organized for the purpose of issuing notes payable in gold, severally to one million dollars, be, and the same is hereby, repealed; and each of such existing banking-associations may increase its circulating-notes, and new banking-associations may be organized, in accordance with existing law, without respect to such limitation. [*January* 19, 1875.]

CHAPTER 22.

AN ACT DECLARATORY OF THE ACT ENTITLED "AN ACT TO AMEND THE CUSTOMS-REVENUE LAWS, AND TO REPEAL MOIETIES," APPROVED JUNE TWENTY-SECOND, EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Jan. 22, 1875.
18 Stat. L., 303.

Judges and district attorneys not liable to penalty for discontinuing, &c., proceedings to obtain testimony of accomplices in crimes.

Be it enacted, &c., That nothing in the nineteenth section of the act entitled "An act to amend the customs-revenue laws, and to repeal moieties," approved June twenty-second, eighteen hundred and seventy-four, shall be construed to affect any authority, power, or right which might theretofore have been lawfully exercised by any court, judge, or district attorney of the United States to obtain the testimony of an accomplice in any crime against, or fraud upon the customs-revenue laws, on any trial or proceeding for a fine, penalty, or forfeiture under said laws, by a discontinuance or dismissal, or by an engagement to discontinue or dismiss any proceedings against such accomplice. [*January* 22, 1875.]

Judges and district attorneys not liable to penalty for discontinuing, &c., proceedings to obtain testimony of accomplices in crimes.
R. S., § 5292.
1874, June 22, ch. 391, § 19.

CHAPTER 26.

AN ACT AUTHORIZING THE COMMISSIONER OF THE GENERAL LAND OFFICE TO GRANT A PATENT FOR CERTAIN LAND IN THE TERRITORY OF ARIZONA.

Jan. 28, 1875.
18 Stat. L., 303.

Part of land of Fort Yuma (Arizona) reservation to be patented to town of Yuma.

Be it enacted, &c., That the Commissioner of the General Land Office be, and he is hereby, authorized to include, under the patent for the town-site of the town of Yuma, county of Yuma, and Territory of Arizona, that part of the Fort Yuma military reservation (not exceeding ten acres of land in all,) restored to the public domain under the act of Congress entitled "An act authorizing the Secretary of War to relinquish and turn over to the Interior Department such parts of certain reservations in the Territory of Arizona as may be no longer required for military purposes," approved June twenty-second, eighteen hundred and seventy-four. [*January* 28, 1875.]

Part of land of Fort Yuma (Arizona) reservation to be patented to town of Yuma.
1874, June 22, ch. 415.

CHAPTER 29.

AN ACT TO CONSTITUTE PATCHOGUE ON THE SOUTH SIDE OF LONG ISLAND, IN THE STATE OF NEW YORK, A PORT OF DELIVERY.

Jan. 29, 1875.
18 Stat. L., 304.

Patchogue, Long Island, N. Y., to be a port of delivery. | Surveyor to be appointed, who may enroll, &c., vessels.

Be it enacted, &c., That the village of Patchogue, on the south side of Long Island, State of New York, shall be, and the same is hereby, made a port of delivery within the collection district of the port of New York, and shall be subject to the same regulations as other ports of delivery in the United States;

That a surveyor be appointed by the President, with the advice and consent of the Senate, to reside at the said port of Patchogue, who shall have the power to enroll and license vessels to be employed in the coasting trade and fisheries, under such regulations as the Secretary of the Treasury may deem necessary, and who shall give the usual bond, perform the usual duties in the manner prescribed, and receive the fees he may be entitled to by law as allowed to surveyors for the same duties, and no more. [*January* 29, 1875.]

Patchogue, Long Island, N. Y., to be a port of delivery.
R. S., § 2535, par. 2.

Surveyor to be appointed, who may enroll vessels, &c.
R. S., § 2536, par. 2.
R. S., § 4320.

CHAPTER 30.

Jan. 30, 1875.
18 Stat. L., 304.

AN ACT FOR THE RELIEF OF CERTAIN OFFICERS OF THE NAVY WHO WERE DROPPED, FURLOUGHED, OR RETIRED UNDER THE ACT OF FEBRUARY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND FIFTY-FIVE.

Difference of pay given to certain officers of Navy dropped, &c., and afterward promoted and restored.

Difference of pay given to certain officers of Navy dropped, &c., and afterward promoted and restored.
1855, ch. 127 (10 Stat. L., 616).
1857, ch. 12 (11 Stat. L., 153).
1873, ch. 465 (17 Stat. L., 791).
R. S., §§ 1457, 1461, 1593, 1594.

Be it enacted, &c., That all officers now in the Navy, and the widows or heirs of those who have died while attached to the Navy, including the widow of Captain Elisha Peck relieved by special act of March three, eighteen hundred and seventy-three, who were dropped, furloughed, or retired under the act of February twenty-eighth, eighteen hundred and fifty-five, and who were afterward promoted and restored to the active list of the Navy, under the operations of the act of January sixteenth, eighteen hundred and fifty-seven, or by the President under the operation of subsequent laws, shall be entitled to receive out of any money in the Treasury not otherwise appropriated the difference between the pay respectively received by them and the pay at that time designated by law for officers on the active list of the rank to which they were respectively promoted, for and during the time they were affected by the operation of the said acts of February twenty-eighth, eighteen hundred and fifty-five, and January sixteenth, eighteen hundred and fifty-seven. [*January* 30, 1875.]

CHAPTER 34.

Feb. 5, 1875.
18 Stat. L., 305.

AN ACT TO GRANT TITLE TO CERTAIN LANDS IN THE TERRITORY OF ARIZONA.

SECTION
Preamble.
Citizens of United States of Mexican birth occupying lands in Santa Cruz Valley, Arizona, &c.
1. — to have release of title to lands occupied by them upon proof of facts to be determined by register and receiver.

SECTION
1. Claims of to be filed within one year.
Reservations and grants not affected by act.
2. Claims to be surveyed and patents issued.
3. Lands occupied for twenty years to be open to settlement.
Prior right of occupants for less time.

Citizen of United States of Mexican birth occupying lands in Santa Cruz Valley, Arizona, &c.
Treaties (9 Stat. L., 922; 10 Stat. L., 1031).

Whereas, certain lands in Santa Cruz Valley, county of Pima, and Territory of Arizona, have for many years been occupied and possessed by persons of Mexican birth, who became citizens of the United States under the treaty of Guadalupe Hidalgo and the Gadsden treaty; and whereas the said persons desire to secure patents for said lands in the small and irregular tracts in which they were originally taken up under Mexican authority, and have been held and cultivated to the present time, and they cannot do so under the existing land laws of the United States; Therefore,

Be it enacted, &c.

— to have release of title to lands occupied by them, upon proof of facts to be determined by register and receiver.

[SECTION 1], That all the right and title of the United States to the land embraced in sections two, eleven, and fourteen, and the east half of sections three, ten and fifteen of township fourteen south, range thirteen east, Gila and Salt River meridian, in the county of Pima, Territory of Arizona, be, and the same are hereby, relinquished and granted to the person or persons who have been in the actual bona-fide occupancy or possession of said land, by themselves or their ancestors or grantors for twenty years next preceding the date of the passage of this act;

And it shall be the duty of the register and the receiver of the United States land-office for the district in which said land lies, to hear and determine, subject to the approval of the Commissioner of the General Land Office, the rights of the parties claiming under this act; and for that purpose the said register and the said receiver shall have power to summon witnesses, administer oaths, and take testimony relative to such occupancy or possession:

— claims to be filed within one year.

Provided, That no claim as aforesaid shall be of any validity under this act unless it shall have been duly filed with the said register and the said receiver within one year after the passage of this act:

And provided further, That this grant shall not extend to any reservation of the United States, nor prejudice any valid adverse right or claim, if such exist, to said land, or any part thereof, nor preclude a judicial examination and adjustment thereof. Reservations and grants not affected by act.

SEC. 2. That whenever it shall have been determined by the said register and the said receiver, or on appeal by the Commissioner of the General Land Office or Secretary of the Interior that any tract has been occupied as aforesaid, it shall be the duty of the surveyor-general for said Territory to cause the said claims to be surveyed in accordance with the lines of such occupancy, and to furnish approved plats of the same, upon the receipt and approval of which said plats, and the field-notes thereof by the Commissioner of the General Land Office, patents shall issue as in other cases. Claims to be surveyed and patents issued.

SEC. 3. That any part or parts of said designated lands that are not shown, to the satisfaction of the Commissioner of the General Land Office, to have been so occupied for twenty years, shall be held by him as open to settlement under the provisions of the preëmption or homestead laws of the United States, and patents may be issued therefor for any number of acres not exceeding one hundred and sixty that parties complying with said legal provisions may desire to hold: Lands not occupied for twenty years to be open to settlement.

Provided, That all existing occupants who have settled on said lands within a period of less than twenty years shall have the prior right to acquire the same under the homestead laws of the United States. [*February 5*, 1875.] Prior right of occupants for less time.

CHAPTER 35.

AN ACT GRANTING THE RIGHT OF WAY AND DEPOT-GROUNDS TO THE OREGON CENTRAL PACIFIC RAILWAY COMPANY THROUGH THE PUBLIC LANDS OF THE UNITED STATES, FROM WINNEMUCCA, IN THE STATE OF NEVADA, TO THE COLUMBIA RIVER, VIA PORTLAND, IN THE STATE OF OREGON.

Feb. 5, 1875.

18 Stat. L., 306.

SECTION

1. Grant of right of way to Oregon Central Pacific Railroad Company.
— limitation for depots, &c.; State may limit cost of transportation.
2. Plat and location to be filed.
Line to be completed in ten years.
Rights of homestead and pre-emption locators preserved.
3. — to build other roads and telegraph-lines not precluded.
4. Road to be located within three years.
5. Act may be amended, &c.

Be it enacted, &c.

[SECTION 1], That for the purpose of aiding in the construction of a railway and telegraph-line from a point at or near Winnemucca, on the Central Pacific Railroad, in the State of Nevada; thence northwesterly to and across Goose Lake Valley, and by way of Sprague River Valley, to the waters of the Middle Fork of the Willamette River, in the Cascade Mountains; thence down said river, on the north side, to Springfield; thence crossing to and continuing upon the west side of said river to the waters of the Columbia River, via Portland, Oregon, there is hereby granted to the Oregon Central Pacific Railway Company, organized under and by virtue of the laws of the State of Oregon on the sixteenth day of September, eighteen hundred and seventy-four, and to their successors and assigns, a strip of land, one hundred feet wide, on each side of the central line of said road, through the public lands, and the necessary lands for depots, stations, side-tracks, and other needful uses in operating said road and telegraph, not exceeding twenty acres at any one place: Grant of right of way to Oregon Central Pacific Railway Company.

Provided, That the locations for depots, stations, and side-tracks shall not exceed for the whole line of said road more than one location of twenty acres for every ten miles of the same, and when made upon surveyed lands shall conform to the Government surveys thereof: —limitation for depots, &c.

And provided further, That the State or States, within the limits of which said road or any part thereof shall be hereafter situated, shall States may limit cost of transportation.

have the power to regulate and limit the cost of transportation of persons or freight over the same.

Plat and location to be filed.

SEC. 2. That said company shall, within six months after the location of any section of twenty miles or more of their said road, if the same be upon surveyed lands, and if upon unsurveyed lands, then within six months after the survey thereof by the United States, file a plat of such located section, together with proof thereof, with the register of the land-office for the district wherein said located section may be situated, and upon approval thereof the same shall be noted upon the township-plats in said office; and thereafter all lands over which the line of said road shall pass shall be sold, located, or disposed of by the United States, subject to such right of way so located as aforesaid:

Line to be completed in ten years.

Provided, That the line of said road shall be completed within ten years thereafter:

Rights of homestead and pre-emption locators preserved.

Provided further, That this act shall not take effect on any lands to which any bona fide preëmption or homestead claim has attached before the definite location of the line of road, and the notice of the same has been given to the land-office in the district where the same is located.

—to build other roads and telegraph-lines not precluded.

SEC. 3. That the rights herein granted shall not preclude the construction of other railroads or telegraph lines through any canyon, defile, or pass on the route of said road, or the crossing of the same at grade by other railroads.

Road to be located within three years.

SEC. 4. That said company shall locate its road within three years from the passage of this act, and complete the said railroad within ten years from the same date, failing in which, this act shall be null and void.

Act may be amended, &c.

SEC. 5. That Congress hereby reserves the right to alter, amend, or repeal this act at any time that the public interest may require it. [*February* 5, 1875.]

CHAPTER 36.

Feb. 8, 1875.

18 Stat. L., 307.

AN ACT TO AMEND EXISTING CUSTOMS AND INTERNAL-REVENUE LAWS, AND FOR OTHER PURPOSES.

SECTION

1. Customs duties on spun silk, silk in gum, floss-silk, sewing silk, and other silks.
2. On still wines.
Wines imported with more than 24 per cent. alcohol to be forfeited.
Deduction for breakage.
3. Wines in store when act takes effect.
4. Customs duties on hops, chromate, &c., of potassa, macaroni, &c., nitro-benzole, &c., tin plates, anchovies, and sardines, cans and packages of fish.
5. —on yellow sheathing-metal and yellow-metal bolts, with right to drawback when used in repair of certain vessels.
6. —on Moisic iron.
7. —on jute-butts, &c.
Foreign bags used in export of grain may be returned free of duty.
8. Articles exempt from duty.
9. Barrels, grain-bags, &c., used in exporting, admitted free of duty.
10. Drawbacks on materials of certain cartridges.
—ten per cent. of, to be retained.
11. Oaths of subordinate customs officers, before whom, and how taken.
Penalty.

INTERNAL REVENUE.

12. Deputy collectors, appointment, compensation, bond, and action thereon.
—authority of.
—responsibility of collector for.
13. Collectors to have allowance for certain expenditures.
—and further allowance in certain cases.
—total compensation of, limited.
—not entitled to salary unless confirmed, except, &c.
14. Unused stamps for taxes; repealed; not redeemable after October 1, 1875.
15. Check, draft, order, or voucher, &c., to be stamped.

SECTION

16. Rectifiers, liquor-dealers, &c., carrying on business without paying special tax; penalty.
—spirits, stills, &c., in such case forfeited.
17. Affixing imitation stamps on packages of distilled spirits; penalty.
18. Special taxes on.
—wholesale liquor dealers.
Distillers not subject to dealers' tax.
Special tax on retail dealers in malt liquors.
—on wholesale dealers in malt liquors.
Brewers not subject to dealers' tax.
Refunding certain taxes heretofore paid by brewers and liquor dealers.
19. Tax of ten per cent. on notes used for circulation, except national-bank notes.
20. —and on notes of other persons, &c., so used and paid out.
21. Returns of amount of notes so used and paid out to be made.
22. Medicines prepared by druggists, &c., according to dispensary, &c., exempt from stamp-tax.
—as also when formula is printed on preparation.
23. Laws imposing penalties on internal-revenue officers; to what officers to apply.
24. Manufacturers of tobacco removing same for export may give transportation bond instead of export bond.
—to file export entry.
—to give bond to export.
Collector of port to transmit clearance certificate, &c., to collector of internal revenue, &c.
Cancellation of transportation bond.
—of export bond.
25. Fraudulently claiming drawback on manufactured tobacco, how punished.
26. Lands held by United States under direct-tax sales may be redeemed before June 8, 1875, and if not so redeemed to be sold.

Be it enacted, &c.

Customs-duties on spun silk, silk in gum, floss-silk, sewing-silk, and other silks.
R. S., § 2504, Schedule H, 2d ed., p. 469.
1875, March 3, ch. 127, § 6.
15 Opin. Att'y-Gen., 51.

[SECTION 1], That from and after the date of the passage of this act, in lieu of the duties heretofore imposed on the importation of the goods, wares, and merchandise hereinafter specified, the following rates of duty shall be exacted, namely:

On spun silk, for filling, in skeins or cops, thirty-five per centum ad valorem;

On silk in the gum, not more advanced than singles, tram, and thrown or organzine, thirty-five per centum ad valorem;

On floss-silks, thirty-five per centum ad valorem;

On sewing-silk, in the gum or purified, forty per centum ad valorem;

On lastings, mohair cloth, silk twist, or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons exclusively, ten per centum ad valorem;

On all goods, wares, and merchandise not otherwise herein provided for, made of silk, or of which silk is the component material of chief value, irrespective of the classification thereof for duty by or under previous laws, or of their commercial designation, sixty per centum ad valorem:

Provided, That this act shall not apply to goods, wares, or merchandise which have, as a component material thereof, twenty-five per centum or over in value of cotton, flax, wool, or worsted.

—on still wines.
R. S., § 2504, Sch. D., 2d ed., 463.

SEC. 2. That from and after the passage of this act, in lieu of the duties now imposed by law on the merchandise hereinafter enumerated, imported from foreign countries, there shall be levied, collected, and paid the following duties, that is to say:

On all still wines imported in casks, forty cents per gallon.

On all still wines imported in bottles, one dollar and sixty cents per case of one dozen bottles, containing each not more than one quart and more than one pint, or twenty-four bottles, containing each not more than one pint; and any excess beyond those quantities found in such bottles shall be subject to a duty of five cents per pint or fractional part thereof, but no separate or additional duty shall be collected on the bottles:

Wines imported with more than 24 per cent. alcohol to be forfeited.

Provided, That any wines imported containing more than twenty-four per centum of alcohol shall be forfeited to the United States:

Deduction for breakage.

Provided also, That there shall be an allowance of five per centum, and no more, on all effervescing wines, liquors, cordials, and distilled spirits, in bottles, to be deducted from the invoice quantity in lieu of breakage.

Wines in store when act takes effect.

SEC. 3. That all imported wines of the character provided for in the preceding section which may remain in public store or bonded warehouse on the day this act shall take effect shall be subject to no other duty upon the withdrawal thereof for consumption than if the same were imported after that day:

Provided, That any such wines remaining on shipboard within the limits of any port of entry in the United States on the day aforesaid, duties unpaid, shall, for the purposes of this section, be considered as constructively in public store or bonded warehouse.

Customs duties on—
R. S., § 2504, 2d ed., 477.

SEC. 4. That on and after the date of the passage of this act, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, the following duties and rates of duties, that is to say:

—hops.

On hops, eight cents per pound.

—chromate, &c., of potassa.

On chromate and bichromate of potassa, four cents per pound.

—macaroni, &c.

On macaroni and vermicelli, and on all similar preparations, two cents per pound.

—nitro-benzole, &c.

On nitro-benzole, or oil of mirbane, ten cents per pound.

—tin plates.

On tin in plates or sheets and on terne and tagger's tin, one and one-tenth cents per pound.

Customs duties: —on anchovies and sardines.

On anchovies and sardines, packed in oil or otherwise, in tin boxes, fifteen cents per whole box, measuring not more than five inches long, four inches wide, and three and one-half inches deep; seven and one-half cents for each half-box, measuring not more than five inches long, four inches wide, and one and five-eighths inches deep; and four cents for each quarter-box, measuring not more than four inches and three-quarters long, three and one-half inches wide, and one and one-half inches deep; when imported in any other form, sixty per centum ad valorem:

—on cans and packages of fish. R. S., § 2506.

Provided, That cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing law or treaty, not exceeding one quart in contents, shall be subject to a duty of one cent and a half on each can or package; and when exceeding one quart, shall be subject to an additional duty of one cent and a half for each additional quart, or fractional part thereof.

—on yellow sheathing-metal and bolts, with right to drawback when used in repair of vessels. R. S., § 2504, Sch. E, 2d ed., 464. R. S., § 2513.

SEC. 5. That yellow sheathing-metal and yellow-metal bolts, of which the component part of chief value is copper, shall be deemed manufactures of copper, and shall pay the duty now prescribed by law for manufactures of copper, and shall be entitled to the drawback allowed by law to copper and composition-metal whenever the same shall be used in the construction or equipment or repair of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States.

— on Moisic iron. R. S., § 2504, Sch. E., 2d ed., 464.

SEC. 6. That (1) section four of the act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June sixth, eighteen hundred and seventy-two, be, and the same is hereby, amended by striking out the thirtieth paragraph of said section in relation to the duty on Moisic iron; and from and after the passage of this act, the duty on Moisic iron, of whatever condition, grade, or stage of manufacture, shall be the same as on all other species of iron of like condition, grade, or stage of manufacture.

—jute-butts, &c. R. S., § 2504, Sch. E., 2d ed., 464. R. S., § 2511.

SEC. 7. That the duty on jute-butts shall be six dollars per ton: *Provided*, That all machinery not now manufactured in the United States adapted exclusively to manufactures from the fiber of the ramie, jute, or flax, may be admitted into the United States free of duty for two years from the first of July, eighteen hundred and seventy-five:

Foreign bags used in export of grain may be returned free of duty. R. S., § 2505.

And provided further, That bags, other than of American manufacture, in which grain shall have been actually exported from the United States, may be returned empty to the United States free of duty, under regulations to be prescribed by the Secretary of the Treasury.

Articles exempt from duty. R. S., § 2505.

SEC. 8. That on and after the date of the passage of this act, the importation of the articles enumerated and described in this section shall be exempt from duty, that is to say:

— Alizarine. Alizarine.

— Quicksilver. Quicksilver.

— Ship-planking, &c. Ship-planking and handle-bolts.

— Spurs and stilts. Spurs and stilts used in the manufacture of earthen, stone, or crockery ware.

— Seed of sugar-beet. Seed of the sugar-beet.

— Barrels, grain-bags, &c., used in exporting, admitted free of duty. R. S., § 2505, 2d ed., 483.

SEC. 9. That barrels and grain-bags, the manufacture of the United States, when exported filled with American products, or exported empty and returned filled, with foreign products, may be returned to the United States free of duty, under such rules and regulations as shall be prescribed by the Secretary of the Treasury; and the provisions of this section shall apply to and include shooks, when returned as barrels or boxes as aforesaid.

Drawback on materials of certain cartridges. R. S., § 3019.

SEC. 10. That where bullets and gunpowder, manufactured in the United States and put up in envelopes or shells in the form of cartridges, such envelope or shell being made wholly or in part of domestic mate-

NOTE.—(1) The provisions of the act of 1872, ch. 315 (17 Stat. L., 233), here referred to, are incorporated into Revised Statutes in the sections referred to in the margin.

rials, are exported, there shall be allowed on the bullets or gunpowder, on the materials of which duties have been paid, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury:

Ten per cent. of certain drawbacks to be retained.

Provided, That ten per centum on the amount of all drawbacks so allowed shall be retained for the use of the United States by the collectors paying such drawback respectively.

Oaths of subordinate customs-officers, before whom and how taken.

R. S., § 2616.

SEC. 11. That the oaths now required to be taken by subordinate officers of the customs may be taken before the collector of the customs in the district in which they are appointed, or before any officer authorized to administer oaths generally; and the oaths shall be taken in duplicate, one copy to be transmitted to the Commissioner of Customs, and the other to be filed with the collector of customs for the district in which the officer appointed acts.

Penalty.

And in default of taking such oath, or transmitting a certificate thereof, or filing the same with the collector, the party failing shall forfeit and pay the sum of two hundred dollars, to be recovered, with cost of suit, in any court of competent jurisdiction, to the use of the United States.

INTERNAL REVENUE.

Deputy collectors, appointment, compensation, bond, and action thereon.

R. S., § 3148.

Substitute.

1879, March 1, ch. 125, § 2.

3 Dillon, 284.

15 C. Cls., 446.

(**Rep.**) [SEC. 12. That each collector of internal revenue shall be authorized to appoint, by an instrument in writing under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputy; and actions upon such bonds may be brought in any appropriate district or circuit court of the United States; which courts are hereby given jurisdiction of such actions concurrently with the courts of the several States.

—authority of.

Each such deputy shall have the like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is, by law, vested in the collector himself;

—Responsibility of collector for.

But each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done, or neglected to be done, by any of his deputies while acting as such.]

Collectors to have allowances for certain expenditures.

R. S., § 3145.

Substitute.

1879, March 1, ch. 125, § 2.

(**Rep.**) [SEC. 13. That there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector, his necessary and reasonable charges for advertising, stationery, and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent and exclusively relating to official business; but no such account shall be approved or allowed unless it states the date and the particular items of every such expenditure, and shall be verified by the oath of the collector:

—and further allowance in certain cases.

15 C. Cls., 446.

Warden, Hedrick and Landrum cases, 16 C. Cls., —.

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances; but no such allowance shall be made except within one year after such services are rendered.

—total compensation of, limited.

R. S., § 3145.

But the total net compensation of a collector shall not in any case exceed four thousand five hundred dollars a year;

—not entitled to salary unless confirmed, except, &c.

And no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which may have happened by death or resignation during the recess of the Senate.]

Unused stamps for taxes; repealed; not redeemable after Oct. 1, 1875.
R. S., § 3426.
Repealed by 1876, July 12, ch. 181.

SEC. 14. (**Rep.**) [That the existing provisions of law for the redemption of, or allowance for, internal-revenue documentary stamps, the use of which has been rendered unnecessary by the repeal of the taxes for the payment of which such stamps were provided, shall apply only to such of said stamps as shall be presented to the Commissioner of Internal Revenue for allowance or redemption before the first day of October, eighteen hundred and seventy-five; and no allowance, redemption, or refunding on account of such of the aforesaid stamps as shall not be so presented to the said Commissioner prior to the date last mentioned shall be thereafter made.]

Check, draft, order, or voucher, &c., to be stamped.
R. S., § 3418.
1875, March 3, ch. 127, § 6.

SEC. 15. That the words "bank-check, draft, or order for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust-company, at sight or on demand, two cents", in Schedule B of the act (2) of June thirtieth, eighteen hundred and sixty-four, be, and the same is hereby, stricken out, and the following paragraph inserted in lieu thereof:

"Bank-check, draft, order, or voucher for the payment of any sum of money whatsoever, drawn upon any bank, banker, or trust-company, two cents."

Rectifiers, liquor-dealers, &c., carrying on business without paying special tax.

SEC. 16. That any person who shall carry on the business of a rectifier, wholesale liquor-dealer, retail liquor-dealer, wholesale dealer in malt-liquors, retail dealer in malt-liquors, or manufacturer of stills, without having paid the special tax as required by law, or who shall carry on the business of a distiller without having given bond as required by law, or who shall engage in or carry on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or any part thereof, shall, for every such offense, be fined not less than one hundred dollars nor more than five thousand dollars and imprisoned not less than thirty days nor more than two years.

— penalty.
R. S., § 3242.

—spirits, stills, &c., in such case forfeited.
R. S., § 3242.

And all distilled spirits or wines, and all stills or other apparatus, fit or intending (3) to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises; and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or enclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery which shall be found in any such building, yard, or enclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

Affixing imitation stamps on packages of distilled spirits; penalty.
R. S., § 3326.

SEC. 17. That if any person shall affix, or cause to be affixed, to or upon any cask or package containing, or intended to contain, distilled spirits, any imitation stamp or other engraved, printed, stamped, or photographed label, device, or token, whether the same be designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or shall have the resemblance or general appearance of, any internal revenue stamp required by law to be affixed to or upon any cask or package containing distilled spirits, he shall, for each offense, be liable to a penalty of one hundred dollars, and, on conviction, shall be fined not more than one thousand dollars, and imprisoned not more than three years, and the cask or package with its contents shall be forfeited to the United States.

Special taxes.
2 Lowell, 466.
R. S., § 3244.
Substitute, 1879, March 1, ch. 125, § 4.

(**Rep.**) SEC. 18. [That retail dealers in liquors shall pay twenty-five

NOTES.—(2) The provisions of the act of 1864, ch. 173 (13 Stat. L., 298), here referred to, are incorporated into Revised Statutes in the sections referred to in the margin.
(3) So written on the roll.

dollars. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors.

—on retail liquor-dealers.

Wholesale liquor dealers shall each pay one hundred dollars. Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in quantities of not less than five wine gallons at the same time, shall be regarded as a wholesale liquor dealer.

—on wholesale liquor-dealers.

But no distiller, who has given the required bond, and who sells only distilled spirits of his own production at the place of manufacture in the original packages to which the tax stamps are affixed, shall be required to pay the special tax of a wholesale liquor dealer on account of such sales.

Distiller not subject to dealers' tax.

Retail dealers in malt liquors shall pay twenty dollars. Every person who sells, or offers for sale, malt liquors in less quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

Special tax on retail dealers in malt liquors.

Wholesale dealers in malt liquors shall pay fifty dollars. Every person who sells, or offers for sale, malt liquors in quantities of not less than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors:

—on wholesale dealers in malt liquors.

Provided, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamped packages, whether at the place of manufacture or elsewhere, malt liquors manufactured by him:

Brewer not subject to dealers' tax.

Provided further, That any assessments of additional special tax against wholesale liquor dealers or retail liquor dealers, or against brewers for selling malt liquors of their own production at the place of manufacture in the original casks or packages, made by reason of an amendment to section fifty-nine of the internal revenue act approved July twentieth, eighteen hundred and sixty-eight, as amended by section thirteen of the act approved June sixth, eighteen hundred and seventy-two, further amending said section fifty-nine by striking out the words "malt liquor," "malt liquors," "brewer," and "malt liquors" in the three several paragraphs in which they occur, shall be, on proper proofs, remitted; and if such assessments have been paid, the amounts so paid shall be, on proper proofs, refunded by the Commissioner of Internal Revenue.]

Refunding taxes paid by liquor-dealers and brewers under certain repealed provisions.
1868, ch. 186, § 59 (15 Stat. L., 150).
1869, ch. 18, § 1 (16 Stat. L., 42).
1872, ch. 315, § 13 (17 Stat. L., 244).
R. S., § 3244.

SEC. 19. That every person, firm, association other than national bank associations, and every corporation, State bank, or State banking association, shall pay a tax of ten per centum on the amount of their own notes used for circulation and paid out by them.

Tax of ten per cent. on notes used for circulation, except national-bank notes.

R. S., §§ 3408, 3412, 3413. 16 Opin. Att'y-Gen., 341. 1875, March 3, ch. 167.

SEC. 20. That every such person, firm, association, corporation, State bank, or State banking association, and also every national banking association, shall pay a like tax of ten per centum on the amount of notes of any person, firm, association other than a national banking association, or of any corporation, State bank, or State banking association, or of any town, city, or municipal corporation, used for circulation and paid out by them.

—and on notes of other persons, &c., so used and paid out.
R. S., §§ 3408, 3412, 3413.

SEC. 21. That the amount of such circulating notes, and of the tax due thereon, shall be returned, and the tax paid at the same time, and in the same manner, and with like penalties for failure to return and pay the same, as provided by law for the return and payment of taxes on deposits, capital, and circulation, imposed by the existing provisions of internal revenue law.

Returns of amount of notes so used or paid out to be made.
R. S., §§ 3414, 3415.
16 Opin. Att'y-Gen., 341.

SEC. 22. That hereafter nothing contained in the internal revenue laws shall be construed so as to authorize the imposition of any stamp tax upon any medicinal articles prepared by any manufacturing chemist, pharmaceutist, or druggist, in accordance with a formula published in any standard dispensatory or pharmacopœia in common use by physicians and apothecaries, or in any pharmaceutical journal issued by any incorporated college of pharmacy, when such formula and where found

Medicines prepared by druggists according to dispensatory, &c., exempt from stamp tax.
R. S., § 3436.

shall be distinctly referred to on the printed label attached to such article, and no proprietary interest therein is claimed.

Medicines exempt from tax when formula is printed on preparation.

Neither shall any stamp be required when the formula of any medicinal preparation shall be printed on the label attached to such article where no proprietorship in such preparation shall be claimed.

Laws imposing penalties on internal-revenue officers; to what officers to apply.

SEC. 23. That all acts and parts of acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall be, and are hereby, applied to all persons whomsoever, employed, appointed, or acting under the authority of any internal revenue or customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money.

Manufacturers of tobacco removing same for export may give transportation bond instead of export bond.

R. S., §§ 3001, 3385, 3386.

1879, March 1, ch. 125, § 16.

SEC. 24. That whenever any manufacturer of tobacco shall desire to withdraw the same from his factory for exportation under existing laws, such manufacturer may, at his option, in lieu of executing an export bond, as now provided by law, give a transportation bond, with sureties satisfactory to the collector of internal revenue, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, conditioned for the due delivery thereof on board ship at a port of exportation to be named therein; and in such case, on arrival of the tobacco at the port of export, the exporter or owner at that port shall immediately notify the collector of the port of the fact, setting forth his intention to export the same, the name of the vessel upon which the same is to be laden, and the port to which it is intended to be exported.

—to file export entry.

He shall, after the quantity and description of tobacco have been verified by the inspector, file with the collector of the port an export entry verified by affidavit.

—to give bond to export.

He shall also give bond to the United States, with at least two sureties, satisfactory to the collector of customs, conditioned that the principal named in said bond will export the tobacco as specified in said entry, to the port designated in said entry, or to some other port without the jurisdiction of the United States.

Collector of port to transmit clearance certificate, &c., to collector of internal revenue, &c.

And upon the lading of such tobacco, the collector of the port, after proper bonds for the exportation of the same have been completed by the exporter or owner at the port of shipment thereof, shall transmit to the collector of internal revenue of the district from which the said tobacco was withdrawn for exportation, a clearance certificate and a detailed report of the inspector; which report shall show the quantity and description of manufactured tobacco, and the marks thereof.

Cancellation of transportation bond.

Upon the receipt of the certificate and report, and upon payment of tax on deficiency, if any, the collector of internal revenue shall cancel the transportation bond.

—of export bond.

The bonds required to be given for the landing at a foreign port of such manufactured tobacco shall be canceled upon the presentation of satisfactory proof and certificates that said tobacco has been landed at the port of destination named in the bill of lading, or any other port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same was lost at sea without fault or neglect of the owner or exporter thereof.

Fraudulently claiming drawback on manufactured tobacco; how punished.

R. S., § 3386.

1879, March 1, ch. 125, § 16.

SEC. 25. That if any person or persons shall fraudulently claim or seek to obtain an allowance or drawback of duties on any manufactured tobacco, or shall fraudulently claim any greater allowance or drawback thereon than the duty actually paid, such person or persons shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury, to be recovered as in other cases of forfeiture provided for in the internal revenue laws.

SEC. 26. That the time limited for the redemption of direct tax lands by the act entitled "An act to provide for the redemption and sale of lands held by the United States under the several acts levying direct taxes, and for other purposes," approved June eighth, eighteen hundred and seventy-two, be, and the same is hereby, extended for the period of one year from June eighth, eighteen hundred and seventy-four, at the expiration of which time the Commissioner of Internal Revenue shall proceed to sell the lands as provided by section four of said act. [*February* 8, 1875.]

Lands held by United States under direct-tax sales may be redeemed before June 8, 1875, and if not redeemed to be sold.
1872, ch. 337 (17 Stat. L., 330).
1874, June 23, ch. 466.

CHAPTER 41.

AN ACT TO AMEND SECTION TWO THOUSAND THREE HUNDRED AND TWENTY-FOUR OF THE REVISED STATUTES, RELATING TO THE DEVELOPMENT OF THE MINING-RESOURCES OF THE UNITED STATES.

Feb. 11, 1875.
18 Stat. L., 315.

Moneys expended on tunnels for mining purposes to be deemed expended on lode.

Be it enacted, &c., (1) That section two thousand three hundred and twenty-four of the revised statutes, be, and the same is hereby, amended so that where a person or company has or may run a tunnel for the purposes of developing a lode or lodes, owned by said person or company, the money so expended in said tunnel shall be taken and considered as expended on said lode or lodes, whether located prior to or since the passage of said act; and such person or company shall not be required to perform work on the surface of said lode or lodes in order to hold the same as required by said act. [*February* 11, 1875.]

Moneys expended on tunnels for mining purposes to be deemed expended on lode.
R. S., § 2324.

NOTE.—(1) This act is incorporated in the second edition of the Revised Statutes at the end of § 2324.

CHAPTER 77.

AN ACT TO FACILITATE THE DISPOSITION OF CASES IN THE SUPREME COURT OF THE UNITED STATES, AND FOR OTHER PURPOSES.

Feb. 16, 1875.
18 Stat. L., 315.

SECTION
1. In admiralty cases, circuit court to find facts and conclusions of law separately.
Jury may try issues of fact by consent of parties.
Review by Supreme Court on such findings.
2. In patent cases, circuit court may submit questions of fact to jury.
3. Supreme Court not to review certain cases from circuit court unless matter in dispute exceeds $5,000.
4. When act takes effect.

Be it enacted, &c.

[SECTION 1], That the circuit courts of the United States, in deciding causes of admiralty and maritime jurisdiction on the instance-side of the court, shall find the facts and the conclusions of law upon which it renders its judgments or decrees, and shall state the facts and conclusions of law separately.

In admiralty cases court to find facts and law separately.
R. S., § 631.
14 Blatch., 226, 274; 102 U. S., 218; 98 U. S., 440.

And in finding the facts, as before provided, said court may, upon the consent of the parties who shall have appeared and put any matter of fact in issue, and subject to such general rules in the premises as shall be made and provided from time to time, impanel a jury of not less than five and not more than twelve persons, to whom shall be submitted the issues of fact in such cause, under the direction of the court, as in cases at common law.

Jury may try issues of fact by consent of parties.

And the finding of such jury, unless set aside for lawful cause, shall be entered of record, and stand as the finding of the court, upon which judgment shall be entered according to law.

The review of the judgments and decrees entered upon such findings by the Supreme Court, upon appeal, shall be limited to a determination of the questions of law arising upon the record, and to such rulings of the circuit court, excepted to at the time, as may be presented by a bill of exceptions, prepared as in actions at law.

Review by Supreme Court on such findings.
R. S., § 693.

In patent cases, circuit court may submit questions of fact to jury.
R. S., § 629, par. 9.
101 U. S., 247.

SEC. 2. That said courts, when sitting in equity for the trial of patent causes, may impanel a jury of not less than five and not more than twelve persons, subject to such general rules in the premises as may, from time to time, be made by the Supreme Court, and submit to them such questions of fact arising in such cause as such circuit court shall deem expedient;

And the verdict of such jury shall be treated and proceeded upon in the same manner and with the same effect as in the case of issues sent from chancery to a court of law and returned with such findings.

Supreme Court not to review certain cases from circuit court unless matter in dispute exceeds $5,000.
R. S., §§ 691, 692.
1875, March 1, ch. 114, § 5.
100 U. S., 6, 147, 158, 444. 101 U. S., 231.

SEC. 3. That whenever, by the laws now in force, it is required that the matter in dispute shall exceed the sum or value of two thousand dollars, exclusive of costs, in order that the judgments and decrees of the circuit courts of the United States may be re-examined in the Supreme Court, such judgments and decrees hereafter rendered shall not be re-examined in the Supreme Court unless the matter in dispute shall exceed the sum or value of five thousand dollars, exclusive of costs.

When act takes effect.

SEC. 4. That this act shall take effect on the first day of May, eighteen hundred and seventy-five. [*February* 16, 1875.]

CHAPTER 80.

Feb. 18, 1875.
18 Stat. L., 316.

AN ACT TO CORRECT ERRORS AND TO SUPPLY OMISSIONS IN THE REVISED STATUTES OF THE UNITED STATES.(1)

PARAGRAPH

SECTION 1.

Errors, &c., of Revised Statutes (first edition) corrected.

1. R. S., § 05. Secretary of Senate and Clerk of House to advertise for stationery.
2. R. S., § 67. Opening of proposals and accepting contract.
3. R. S., § 74. Mileage for serving process by officers of Congress repealed.
4. R. S., § 79. Laws not to be published in newspapers.
5. R. S., § 239. Accounts of assessors.
6. R. S., § 284. Paymaster substituted for purser.
7. R. S., § 300 A. Claims of loyal citizens in States not in rebellion for quartermasters' stores to be settled.
8. R. S., § 300 B. — for subsistence stores.
9. — extended to Tennessee and part of West Virginia, but claims for real estate not included.
10. R. S., § 330. Comptroller of Currency, seal of.
11. R. S., § 333. — report of.
12. R. S., § 453. As to duties of Commissioner General Land Office.
13. R. S., § 541. Judicial districts in New York.
14. R. S., § 563. District court jurisdiction in prize cases.
15. R. S., § 590. District court in admiralty.
16. R. S., § 629. Circuit court jurisdiction.
17. R. S., § 709. Cases in State courts reviewed by Supreme Court.
18. R. S., § 711. Suits against foreign ministers, &c.
19. R. S., § 735. Condemnation of insurrectionary property.
20. R. S., § 846. Extraordinary expenses of ministerial officers in executing laws, how paid.
21. R. S., § 1007. Where writ of error may be superseded, execution not to issue.
22. R. S., § 1011. Verbal error corrected.
23. R. S., § 1059. Court of Claims jurisdiction not to extend to destruction, &c., of property in the rebellion.
24. R. S., § 1342. Articles of War 38, 82, amended.
25. R. S., § 1842. Veto power of governor in Utah and Arizona.
26. R. S., § 2146. Crimes in Indian country.
27. R. S., § 2169. Naturalization laws to apply to free white aliens.
28. R. S., § 2504. Duty on window glass.
29. R. S., § 2527. Collection district of Edgartown.
30. R. S., § 2531. — of Newport.
31. R. S., § 2711. Surveyor of customs at Pacific City and Milwaukee abolished.

PARAGRAPH

SECTION 1.

32. R. S., § 2780. Appraiser at Pittsburgh, salary.
33. R. S., § 2864. Forfeiture of value of goods for false invoices.
34. R. S., § 2997. Detroit added to places to which merchandise imported may be transshipped in bond.
35. R. S., § 3100. Transposition of lines.
36. R. S., § 3158. Internal-revenue officers' accounts; penalty.
37. R. S., § 3881. Lists of taxable property.
38. R. S., § 3288. Special taxes; stamps.
39. R. S., § 3244. — by rectifiers.
40. R. S., § 3299. Distilled spirits.
41. R. S., § 3417. Taxes on State banks.
42. R. S., § 3422. Penalty for omission to fix stamp to instrument may be remedied.
43. R. S., § 3561. Bond and oath of assay officer.
44. R. S., § 3689. National Home for Volunteer Soldiers.
45. R. S., § 3798. Report of Bureau of Statistics.
46. R. S., § 3811. — of Comptroller of Currency.
47. R. S., § 3856. Order of Postmaster-General changing salaries.
48. R. S., § 3904. Separating letter-mail.
49. R. S., § 4038. Indorsement of money orders.
50. R. S., § 4250. Removal of captain by owner of vessel.
51. R. S., § 4289. Limitation of liabilities of owners of vessels.
52. R. S., § 4347. Transportation of goods in foreign vessels.
53. R. S., § 4360. Correcting clerical error.
54. R. S., § 4601. Same.
55. R. S., § 5029. Same.
56. R. S., § 5054. Record of appointment of assignee in bankruptcy, when evidence.
57. R. S., § 5124. Correcting clerical error.
58. R. S., § 5129. Same.
59. R. S., § 5183. National banks not to issue post notes.
60. R. S., § 5198. Suits, &c., against national banks, in what courts may be brought.
61. R. S., § 5224. Redemption of notes of banks in liquidation, and sale of bonds therefor.
62. R. S., § 5228. Error corrected.
63. R. S., § 5287. Jurisdiction of district courts as to certain captures at sea.
64. R. S., § 5413. Error corrected.
65. R. S., § 5452. Same.
66. R. S., § 5504. Same.
67. R. S., § 5515. Same.

SEC. 2. Act to be bound with Revised Statutes.

NOTE.—(1) All the changes made by this act have been incorporated into the second edition of the Revised Statutes in the proper places. See Wright's and Luddington's cases, 15 C. Cls., 80, 453.

Be it enacted, &c.

[SECTION 1], That for the purpose of correcting errors and supplying omissions in the act entitled "An act to revise and consolidate the statutes of the United States in force on the first day of December, anno Domini one thousand eight hundred and seventy-three," so as to make the same truly express such laws, the following amendments are hereby made therein:

Errors, &c., of Revised Statutes (1st edition) corrected.
15 C. Cls., 80, 453.

[*Par.* 1.] Section sixty-five is amended by striking out the whole section and inserting the following:

Secretary of Senate and Clerk of House to advertise for stationery; substitute for.
R. S., §§ 65, 3826.
1881, Jan. 21, ch. 25.

"The Secretary of the Senate and Clerk of the House of Representatives shall annually advertise, once a week for at least four weeks, in one or more of the principal papers published in the District of Columbia, for sealed proposals for supplying the Senate and House of Representatives, respectively, during the next session of Congress with the necessary stationery."

[*Par.* 2.] Section sixty-seven is amended by striking out the whole section and inserting the following:

Opening of proposals and awarding contracts; substitute for.
R. S., §§ 67, 3826.

"All such proposals shall be kept sealed until the day specified in such advertisement for opening the same, when the same shall be opened in the presence of at least two persons, and the contract shall be given to the lowest bidder, provided he shall give satisfactory security to perform the same, under a forfeiture not exceeding double the contract price in case of failure;

And in case the lowest bidder shall fail to enter into such contract and give such security, within a time to be fixed in such advertisement, then the contract shall be given to the next lowest bidder, who shall enter into such contract, and give such security.

And in case of failure by the person entering into such contract to perform the same, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States."

Mileage for serving process by officers of Congress repealed.
R. S., § 74.

[*Par.* 3.] Section seventy-four is struck out.

Laws not to be published in newspapers.
R. S., § 79.
15 C. Cls., 80.

[*Par.* 4.] Section seventy-nine is amended by striking out, in the second line, the words "no money shall be paid from the Treasury for," and adding, at the end of the section, the words "shall cease."

Accounts of assessors.
R. S., § 239.

[*Par.* 5.] Section two hundred and thirty-nine is amended by striking out, of seventh line, the words "assessors and assistant assessors."

Paymaster substituted for purser.
R. S., § 284.

[*Par.* 6]. Section two hundred and eighty-four is amended by striking out, in the fourth line, the word "purser", and inserting "paymaster."

Claims of loyal citizens in States not in rebellion for quartermaster's stores furnished Army to be settled.
R. S., § 300, A.
1864, ch. 240 (13 Stat. L., 381).
1874, June 16, ch. 285, § 2.
1878, April 30, ch. 77.
1879, March 3, ch. 287, §§ 2, 3.
15 C. Cls., 453.

[*Par.* 7.] Chapter four of title seven is amended by adding, after section three hundred, the following sections:

SEC. 300. A. "All claims of loyal citizens in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case;

And it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of, and used by the Army, then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

—for subsistence stores.
R. S., § 300, B.
1864, ch. 240 (13 Stat. L., 381).
1874, June 16, ch. 285, § 2.

[*Par.* 8.] SEC. 300. B. All claims of loyal citizens in States not in rebellion for subsistence actually furnished to the Army and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied by such proof as each claimant may have to offer;

NOTE.—All the amendments made by this act, chap. 80, are incorporated in the second edition of the Revised Statutes, in their proper places. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

1878, April 30, ch. 77.
1879, March 3, ch. 287, §§ 2, 3.
15 Opin. Att'y-Gen., 35.
15 C. Cls., 453.

And it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have actually been received, or taken for the use of, and used by the Army, then to report each case for payment to the Third Auditor of the Treasury with a recommendation for settlement.

Provisions extended to Tennessee and part of West Virginia, but claims for occupancy of real estate not included.

[*Par.* 9.] The provisions of the above two sections shall extend to the State of Tennessee, and to the counties of Berkeley and Jefferson in the State of West Virginia.

But the provisions of the above two sections shall not authorize the payment of claims for the occupation of, or injury to, real estate in any State declared in insurrection during the rebellion."

Comptroller of Currency—seal of. R. S., § 330.

[*Par* 10.] Section three hundred and thirty is amended by adding thereto the following: "A description of the seal, with an impression thereof, and a certificate of approval by the Secretary of the Treasury, shall be filed in the Office of the Secretary of State."

—report of. R. S., § 333.

[*Par.* 11.] Section three hundred and thirty-three is amended by inserting, after the word "Congress", in the second line, the words "at the commencement of its session."

As to duties of Commissioner of General Land Office. R. S., § 453.

[*Par.* 12.] Section four hundred and fifty-three is amended by striking out in the fifth line the word "agents", and inserting the word "grants".

Judicial districts in New York. R. S., § 541.

[*Par.* 13.] Section five hundred and forty-one is amended by inserting, in the fourth line, after the word "north", the words "and west."

District-court jurisdiction in prize cases. R. S., § 563, pars. 8, 9.

[*Par.* 14.] Section five hundred and sixty-three is amended by adding to paragraph eight the following words: "And shall have original and exclusive cognizance of all prizes brought into the United States, except as provided in paragraph six of section six hundred and twenty-nine."

Also, by striking out of line two, of the ninth paragraph, the words "seventy-six", and inserting the word "eight."

District court in admiralty. R. S., § 590.

[*Par.* 15.] Section five hundred and ninety is amended by striking out, in the first line, the word "circuit", and inserting the word "district."

Circuit-court jurisdiction. R. S., § 629, par. 11.

[*Par.* 16.] Section six hundred and twenty-nine is amended by striking out, in the first line of paragraph eleven, the words "or against".

Cases in State courts reviewed by Supreme Court. R. S., § 709.

[*Par.* 17.] Section seven hundred and nine is amended by striking out all after the words "United States," in sixteenth line, to the end of the first paragraph.

Also, by striking out the word "re-affirm," in the first line of the second paragraph.

Suits against foreign ministers, &c. R. S., § 711.

[*Par.* 18.] Section seven hundred and eleven is amended by striking out the eighth paragraph.

Condemnation of insurrectionary property. R. S., § 735.

[*Par.* 19.] Section seven hundred and thirty-five is amended by striking out of the second line the words "as prize".

Extraordinary expenses of ministerial officers in executing laws; how paid. R. S., § 846.

[*Par.* 20.] Section eight hundred and forty-six is amended by adding thereto as follows:

"That where the ministerial officers of the United States have or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district or circuit court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary."

Where writ of error may be superseded, execution not to issue for ten days. R. S., § 1007.

[*Par.* 21.] Section one thousand and seven is amended by striking out, in the last line, the words, "the said term of sixty", and inserting the word "ten".

NOTE.—All the amendments made by this act, ch. 80, have been incorporated in the second edition of the Revised Statutes, in their proper places. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

[*Par.* 22.] Section one thousand and eleven is amended by striking out, in the second line, the word "and", and inserting the word "any."

Verbal error corrected.
R. S., § 1011.

[*Par.* 23.] Section one thousand and fifty-nine is amended by adding to the fourth paragraph the following additional proviso:

"*Provided also*, That the jurisdiction of the Court of Claims shall not extend to any claim against the United States growing out of the destruction or appropriation of, or damage to, property by the Army or Navy engaged in the suppression of the rebellion."

Court of Claims jurisdiction not to extend to destruction of property, &c., in the rebellion.
R. S., § 1059.
3 C. Cls., 1. 4 C. Cls., 359, 448. 6 C. Cls., 40. 11 C. Cls., 648. 15 C. Cls., 453. Dykes' case, 16 C. Cls.; 9 Wall., 45; 13 Wall., 635.

[*Par.* 24.] Section one thousand three hundred and forty-two is amended by striking out, in the third line of the thirty-eighth article, the word "corporal";

Articles of war.
R. S., § 1342, arts. 38, 82.

And also, by adding to said article thirty-eighth, the following words: "No court-martial shall sentence any soldier to be branded, marked, or tattooed".

The same section is also amended, in the third line of article eighty-two, by striking out the words, "ninety-five", and inserting the word "eighty."

[*Par.* 25.] Section one thousand eight hundred and forty-two is amended by adding thereto the following proviso:

Veto power of governor in Utah and Arizona.
R. S., § 1842.

"*Provided*, That so much of this section as provides for making any bill passed by the legislative assembly of a Territory a law, without the approval of the governor, shall not apply to the Territories of Utah and Arizona."

[*Par.* 26.] Section two thousand one hundred and forty-six is amended by adding, at the end of the first line, the following words; "crimes committed by one Indian against the person or property of another Indian, nor to."

Crimes in Indian country.
R. S., § 2146.
5 Dill., 390, 394.

[*Par.* 27.] Section two thousand one hundred and sixty-nine is amended by inserting, in the first line, after the word "aliens", the words "being free white persons, and to aliens."

Naturalization laws to apply to free white aliens.
R. S., § 2169.

[*Par.* 28.] Section two thousand five hundred and four is amended by inserting the word "not" before the word "exceeding", in the second line from top of page four hundred and sixty-five.

Duty on window glass.
R. S., § 2504, 2d ed., p. 461.

[*Par.* 29.] Section two thousand five hundred and twenty seven is amended by inserting, in the third line of the ninth paragraph, after the word "ninety", the word "nine".

Collection district of Edgarton.
R. S., § 2527.

[*Par.* 30.] Section two thousand five hundred and thirty-one is amended by inserting, in the fifth line of the first paragraph, after the word "county," the words "as the same existed".

—of Newport.
R. S., § 2531.

[*Par.* 31.] Section two thousand seven hundred and eleven is struck out; the ports of Pacific City and Milwaukee having been abolished.

Surveyors at Pacific City and Milwaukee.
R. S., § 2711.

[*Par.* 32.] Section two thousand seven hundred and thirty is amended by inserting, at the end of the first line, the word "Pittsburgh."

Appraiser at Pittsburgh; salary.
R. S., § 2730.

[*Par.* 33.] Section two thousand eight hundred and sixty-four is amended by inserting, in the last line, after the word "merchandise, the words "or the value thereof."

Forfeiture of value of goods for false invoices.
R. S., § 2864.

[*Par.* 34.] Section two thousand nine hundred and ninety-seven is amended by inserting, in the tenth line, after the word "Alabama", the words "Detroit in Michigan."

Merchandise may be transported in bond to Detroit.
R. S., § 2997.
1880, June 10, ch. 190, §§ 7, 8.

[*Par.* 35.] (**Rep.**) Section three thousand and one hundred is amended by transposing lines nine and ten.

Repealed 1877, Feb. 27, ch. 69, par. 101.
R. S., § 3100.

[*Par.* 36.] Section three thousand one hundred and fifty-eight is

Internal-revenue

NOTE.—All the amendments made by this act are incorporated in the second edition of the Revised Statutes, in their proper places. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

officers' accounts; penalty. R. S., § 3158.

amended by inserting, in the fourteenth line, the word "two" before the word "hundred", where it first occurs.

Lists of taxable property. R. S., § 3181.

[*Par.* 37.] Section three thousand one hundred and eighty-one is amended by striking out, in the fourth line, the word "last", and inserting the word "list".

Special taxes—stamps. R. S., § 3238.

[*Par.* 38.] Section three thousand two hundred and thirty-eight is amended by striking out, in the fifth line, the word "thirteen", and inserting "twelve".

—by rectifiers. R. S., § 3244, par. 3.

[*Par.* 39.] Section three thousand two hundred and forty-four is amended by striking out, in the last clause of the third paragraph, the word "section", and inserting the word "proviso".

Distilled spirits. R. S., § 3299.

[*Par.* 40.] Section three thousand two hundred and ninety-nine is amended by striking out, in the second line, the word "distilling", and inserting "distillery".

Taxes on State banks. R. S., § 3417.

[*Par.* 41.] Section three thousand four hundred and seventeen is amended by inserting, in the fourth line, after the word "twelve", the words "thirty-four hundred and thirteen".

Penalty for omission to fix stamps to instrument may be remitted, when. R. S., § 3422.

[*Par.* 42.] Section three thousand four hundred and twenty-two is amended by inserting, after the word "issued", in the twenty-seventh line, the following:

"*And provided further*, That where it shall appear to said collector, upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped at the time of making or issuing the same, by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamps, or to evade or delay the payment thereof, then, and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded, or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of revenue to be stamped, and the stamp-tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid, and to cause such instrument to be duly stamped".

Bond and oath of assay officers. R. S., § 3561.

[*Par.* 43.] Section three thousand five hundred and sixty-one is amended by striking out, in the second line, the word "officers," and inserting "offices".

National Home for Volunteer Soldiers. R. S., § 3689, par. 2, p. 727.

[*Par.* 44.] Section three thousand six hundred and eighty-nine is amended by striking out the word "asylum" wherever it occurs, in the second paragraph, on page seven hundred and thirty-two, and inserting in lieu thereof the word "home".

Report of Bureau of Statistics. R. S., § 3798, par. 5.

[*Par.* 45.] Section three thousand seven hundred and ninety-eight is amended by striking out, in lines third and fourth of the fifth paragraph, the words "Special Commissioner of the Revenue", and inserting the words "Chief of the Bureau of Statistics".

—of Comptroller of Currency. R. S., § 3811.

[*Par.* 46.] Section three thousand eight hundred and eleven is amended by striking out "Secretary of the Treasury", and inserting "Comptroller of the Currency"; also, by adding, after the word "banks", in the second line, the words "and banks under State and territorial laws".

Order of Postmaster-General changing salaries. R. S., § 3856.

[*Par.* 47.] Section three thousand eight hundred and fifty-six is amended by striking out, in the sixth line, the word "crease", and inserting "increase".

Separating letter-mail. R. S., § 3994.

[*Par.* 48.] Section three thousand nine hundred and ninety-four is amended by striking out, in the last line, the word "affecting", and inserting the word "effecting".

Indorsement of money orders. R. S., § 4037.

[*Par.* 49.] Section four thousand and thirty-seven is amended by inserting, in the second line, before the word "paid", the word "be".

Removal of captain by owners of vessels. R. S., § 4250.

[*Par.* 50.] Section four thousand two hundred and fifty is amended by striking out, in line seven, "nineteenth", and inserting "ninth".

NOTE.—All the amendments made by this act, ch. 80, have been incorporated in the second edition of the Revised Statutes, in their proper places. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

[*Par.* 51.] Section four thousand two hundred and eighty-nine is amended by striking out, in the first line, the words "this title", and inserting the words "the seven preceding sections".

Limitation of liabilities of owners of vessels. R. S., § 4289.

[*Par.* 52.] Section four thousand three hundred and forty-seven is amended by striking out, at the end of the thirty-third line, the word "no", and inserting the word "on".

Transportation of goods in foreign vessels. R. S., § 4347.

[*Par.* 53.] Section four thousand three hundred and sixty is amended by inserting, in the third line, after the word "manifest", the word "and".

R. S., § 4360.

[*Par.* 54.] Section four thousand six hundred and one is amended by striking out, in the fifth line, the word "persecuting," and inserting the word "prosecuting".

R. S., § 4601.

[*Par.* 55.] Section five thousand and twenty-nine is amended by striking out, in the third line, the word "hereinbefore", and inserting the word "hereinafter".

R. S., § 5029.

[*Par.* 56.] Section five thousand and fifty-four is amended by adding the following words:

"And the record of such assignment, or a duly certified copy thereof, shall be evidence thereof in all courts".

Record of appointment of assignee in bankruptcy, when evidence. R. S., § 5054.

[*Par.* 57.] Section five thousand one hundred and twenty-four is amended by striking out, in the second line of the sixth paragraph, the word "act", and inserting the word "title".

Verbal error corrected. R. S., § 5124, par. 6.

[*Par.* 58.] Section five thousand one hundred and twenty-nine is amended by striking out, in the ninth line, the word "act", and inserting the word "title".

Same. R. S., § 5129.

[*Par.* 59.] Section five thousand one hundred and eighty-three is amended by inserting, after the word "issue", in the second line, the words "post notes or."

National banks not to issue post notes. R. S., § 5183.

[*Par.* 60.] Section five thousand one hundred and ninety-eight is amended by adding thereto the following:

"That suits, actions, and proceedings against any association under this title may be had in any circuit, district, or territorial court of the United States held within the district in which such association may be established, or in any State, county, or municipal court in the county or city in which said association is located having jurisdiction in similar cases".

Suits against national banks; in what courts brought. R. S., § 5198. 14 Hun., 126. 3 Woods, 21.

[*Par.* 61.] Section five thousand two hundred and twenty four is amended by adding thereto the following:

"And if any such bank shall fail to make the deposit and take up its bonds for thirty days after the expiration of the time specified, the Comptroller of the Currency shall have power to sell the bonds pledged for the circulation of said bank, at public auction in New York City, and, after providing for the redemption and cancellation of said circulation and the necessary expenses of the sale, to pay over any balance remaining to the bank or its legal representative".

Redemption of notes of banks in liquidation, and sale of bonds therefor. R. S., § 5224.

[*Par.* 62.] Section five thousand two hundred and twenty-eight is amended by striking out, in the third line, the words "of forfeiture of the bonds", and inserting the word "thereof".

Verbal error corrected. R. S., § 5228.

[*Par.* 63.] Section five thousand two hundred and eighty-seven is amended by inserting, as the first sentence thereof, the following words:

"The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof."

Jurisdiction of district courts as to certain captures at sea. R. S., § 5287.

[*Par.* 64.] Section five thousand four hundred and thirteen is amended by inserting, in the third line, after the word "national", the word "bank".

Verbal error corrected. R. S., § 5413.

[*Par.* 65.] Section five thousand four hundred and fifty-two, after the word "principal", in the second line, place a comma.

Same. R. S., § 5452.

[*Par.* 66.] Section five thousand five hundred and four is amended by striking out, in the fourth line, the word "and", and also, by striking out, in the same line, the word "of", where it first occurs.

Same. R. S., § 5504.

NOTE.—All the amendments made by this act, ch. 80, are incorporated in the second edition of the Revised Statutes, in their proper places. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

Verbal error corrected R. S., § 5515.

[*Par.* 67.] Section five thousand five hundred and fifteen is amended by striking out, in the last line, the word "ten", and inserting the word "eleven".

Act to be bound with Revised Statutes, 1st edition.

SEC. 2. That the Secretary of State is directed, if practicable, to cause this act to be printed and bound in the volume of the Revised Statutes of the United States. [*February* 18, 1875.]

NOTE.—All the changes made by the foregoing act, ch. 80, have been incorporated into the second edition of the Revised Statutes, in their proper place. See Wright's and Ludington's cases, 15 C. Cls., 80, 453.

CHAPTER 84.

Feb. 18, 1875.

18 Stat. L., 329.

AN ACT PROVIDING FOR THE DISTRIBUTION OF THE REVISED STATUTES OF THE UNITED STATES.

SECTION
1. Revised Statutes for members of 43d Congress.
2. Revised Statutes to be kept for sale.

Be it enacted, &c.

Revised Statutes; for members of 43d Congress.

[SECTION 1], That the Secretary of State is hereby directed to furnish, for the use of the Senate, one thousand copies of the Revised Statutes of the United States; and for the use of the House of Representatives, three thousand copies of the same; to be distributed to the members of the present Congress.

—to be kept for sale. 1874, ch. 333, § 9. 1875, March 3, ch. 130, § 9.

SEC. 2. That the Secretary of State is hereby authorized to make arrangement with persons engaged in the business of selling books, to keep on sale the Revised Statutes of the United States;

But in any such arrangement it shall be provided that the same be sold at the Government price to all purchasers, and the Secretary may allow to any such person keeping the Revised Statutes for sale, such part of the ten per cent. above the actual cost, as he may deem just and reasonable. [*February* 18, 1875.]

CHAPTER 89.

Feb. 19, 1875.

18 Stat. L., 329.

AN ACT TO AMEND SECTION FIVE THOUSAND TWO HUNDRED AND FORTY OF THE REVISED STATUTES OF THE UNITED STATES, IN RELATION TO THE COMPENSATION OF NATIONAL-BANK EXAMINERS.

Occasional examiners of national banks; compensation.

Be it enacted, &c.

Occasional examiners of national banks; compensation. R. S., § 5240.

[SECTION 1], That section five thousand two hundred and forty of the Revised Statutes of the United States be so amended that the latter clause of said section, after the word "Comptroller" in the eighth line of said section, be amended so that the same shall read as follows, namely: (1)

"That all persons appointed to be examiners of national banks not located in the redemption-cities specified in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive compensation for such examinations as follows:

For examining national banks having a capital less than one hundred thousand dollars, twenty dollars;

Those having a capital of one hundred thousand dollars and less than three hundred thousand dollars, twenty-five dollars;

Those having a capital of three hundred thousand dollars and less than four hundred thousand dollars, thirty-five dollars;

Those having a capital of four hundred thousand dollars and less than five hundred thousand dollars, forty dollars;

Those having a capital of five hundred thousand dollars and less than six hundred thousand dollars, fifty dollars;

Those having a capital of six hundred thousand dollars and over, seventy-five dollars;

NOTE.—(1) This amendment has been incorporated into the second edition of the Revised Statutes, in § 5240.

Which amounts shall be assessed by the Comptroller of the Currency upon, and paid by, the respective associations so examined;

And shall be in lieu of the compensation and mileage heretofore allowed for making said examinations,

And persons appointed to make examination of national banks in the cities named in section five thousand one hundred and ninety-two of the Revised Statutes of the United States, (2) or in any one of the States of Oregon, California, and Nevada, or in the Territories, shall receive such compensation as may be fixed by the Secretary of the Treasury upon the recommendation of the Comptroller of the Currency; and the same shall be assessed and paid in the manner hereinbefore provided." [*February* 19, 1875.]

Compensation of bank examiners in certain cities. R. S., § 5192.

NOTE.—(2) The cities named in the section here referred to are Albany, Baltimore, Boston, Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, Saint Louis, San Francisco, and Washington.

CHAPTER 90.

AN ACT TO AUTHORIZE THE SENECA NATION OF NEW YORK INDIANS TO LEASE LANDS WITHIN THE CATTARAUGUS AND ALLEGANY RESERVATIONS, AND TO CONFIRM EXISTING LEASES.

Feb. 19, 1875.

18 Stat. L., 330.

SECTION

1. Leases of lands by Seneca Nation of New York Indians to railroads ratified.
2. Boundaries of certain villages in Allegany reservation.
3. Leases in villages by Indians to be valid for five years, &c.
   Renewal of leases.
4. Seneca Nation may lease lands not owned by individuals.
5. Survey of village lands now leased.
   Recording leases.
   Assignment, devise, and descent of lease.
6. Rents due Seneca Nation, how recovered and applied.
7. Jurisdiction of courts in New York.
8. Laws of New York as to laying out, &c., highways, to be in force in villages.
   Taxation of Indians not authorized.

Be it enacted, &c.

[SECTION 1], That all leases of land within the Cattaraugus and Allegany reservations in the State of New York, heretofore made by or with the authority of the Seneca Nation of New York Indians, to railroad corporations, are hereby ratified and confirmed; and said Seneca Nation may, in accordance with their laws and form of government, lease lands within said reservations for railroad-purposes.

Leases of lands by Seneca Nation of New York Indians to railroads ratified.

SEC. 2. That the President of the United States shall appoint three commissioners, whose duty it shall be, as soon as may be, to survey, locate, and establish proper boundaries and limits of the villages of Vandalia, Carrolton, Great Valley, Salamanca, West Salamanca, and Red House, within said Allegany reservation, including therein, as far as practicable, all lands now occupied by white settlers and such other lands as, in their opinion, may be reasonably required for the purposes of such villages;

Boundaries, &c., of certain villages in Allegany reservation.

And they shall cause a return of their doings in writing, together with maps of such surveys and locations duly certified by them, to be filed in the office of the county clerk of the county of Cattaraugus, in said State, there to be recorded and preserved.

The boundaries of said villages so surveyed, located, and established shall be the limits of said villages for all the purposes of this act.

SEC. 3. That all leases of land situate within the limits of said villages when established as hereinbefore provided, except those provided for in the second section of this act, in which Indians or said Seneca Nation, or persons claiming under them are lessors, shall be valid and binding upon the parties thereto, and upon said Seneca Nation for a period of five years from and after the passage of this act, except such as by their terms may expire at an earlier date;

Leases in villages by Indians to be valid for five years, &c. 26 N. Y. Supreme, 540.

And at the end of said period, or at the expiration of such leases as terminate within that time, said nation through its councillors shall be entitled to the possession of the said lands, and shall have the power to lease the same:

Provided, however, That at the expiration of said period, or the termination of said leases, as hereinbefore provided, said leases shall be renew-

Renewal of leases.

able for periods not exceeding twelve years, and the persons who may be at such time the owner or owners of improvements erected upon such lands, shall be entitled to such renewed leases, and to continue in possession of such lands, on such conditions as may be agreed upon by him or them and such councillors;

Renewal of leases, continued.

And in case they cannot agree upon the conditions of such leases, or the amount of annual rents to be paid, then the said councillors shall appoint one person, and the other party or parties shall choose one person, as referees to fix and determine the terms of said lease and the amount of annual rent to be paid; and if the two so appointed and chosen cannot agree, they shall choose a third person to act with them, the award of whom, or the major part of whom, shall be final and binding upon the parties;

And the person or persons owning said improvements shall be entitled to a lease of said land and to occupy and improve the same according to the terms of said award, he or they paying rent and otherwise complying with the said lease or said award;

And whenever any lease shall expire after its renewal as aforesaid, it may, at the option of the lessee, his heirs or assigns, be renewed in the manner hereinbefore provided.

Seneca Nation may lease lands not owned by individuals.

SEC. 4. That said Seneca Nation is hereby authorized, by resolution of its councillors, duly elected according to the laws and system of government of said nation, or in such other manner as said nation in council may determine, to lease lands within said villages to which, by the laws or customs of said nation, no individual Indian or Indians, or other person claiming under him or them, has or is entitled to the rightful possession.

Survey of village lands now leased.

SEC. 5. That it shall be the further duty of the said commissioners to cause all lands within such villages now leased, as hereinbefore mentioned, to be surveyed and defined as near as may be, and to cause the same to be designated upon the maps of such villages hereinbefore mentioned and provided for.

Recording leases.

All leases of lands within said villages, whether now existing or hereafter to be made under the provisions of this act, shall be recorded in the office of the clerk of said county of Cattaraugus in the same manner and with like effect as similar instruments relating to lands lying in said county outside of said reservations are recorded by the laws of said State of New York.

Assignment, devise, and descent of leases.

All leases herein mentioned or provided for shall pass by assignment in writing, will, descent, or otherwise in the manner provided by the laws of said State:

Provided, however, That the rights of Indians in such leases shall descend as provided by the laws of said Seneca Nation.

Rents due Seneca Nation, how recovered and applied.

SEC. 6. That all moneys arising from rents under the provisions of this act which shall belong to said Seneca Nation shall be paid to and recoverable by the treasurer of said Seneca Nation, and expended in the same manner and for the same purposes as are other revenues or moneys belonging to said Seneca Nation.

Jurisdiction of courts in New York.
R. S., §§ 541, 563, 629.

SEC. 7. That the courts of the State of New York within and for the county of Cattaraugus, having jurisdiction in real actions, and the circuit and district courts of the United States in and for the northern district of said State, shall have jurisdiction of all actions for the recovery of rents and for the recovery of possession of any real property within the limits of said villages, whether actions of debt, ejectment, or other forms of action, according to the practice in said courts; and actions of forcible entry and detainer, or of unlawful detainer arising in said villages, may be maintained in any of the courts of said county which have jurisdiction of such actions.

Laws of New York as to laying out, &c., highways, to be in force in villages.

SEC. 8. That all laws of the State of New York now in force concerning the laying out, altering, discontinuing, and repairing highways and bridges shall be in force within said villages, and may, with the consent of said Seneca Nation in council, extend to, and be in force beyond, said

villages in said reservations, or in either of them; and all municipal laws and regulations of said State may extend over and be in force within said villages:

Provided, nevertheless, That nothing in this section shall be construed to authorize the taxation of any Indian, or the property of any Indian not a citizen of the United States. [*February* 19, 1875.]

Taxation of Indians not authorized.

CHAPTER 94.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES", APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Feb. 20, 1875.
18 Stat. L., 332.

Faith of United States pledged to secure payment of certain District of Columbia bonds.
Registered bonds may be issued instead of coupon bonds.

Be it enacted, &c., That the seventh section of the act of Congress entitled "An act for the government of the District of Columbia, and for other purposes", approved June twentieth, eighteen hundred and seventy-four, be, and the same is hereby, amended by inserting the words "do so" after the fortieth word following the first period in said section, so that it will read: "And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will do so, provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity":

Faith of United States pledged to secure payment of certain District of Columbia bonds.
1874, June 20, ch. 337, § 7.
1879, March 3, ch. 182.
14 Opin. Att'y-Gen., 445, 544.
15 Opin. Att'y-Gen., 56.

Provided That registered bonds may be issued in lieu of coupon bonds as provided in said act or exchanged for coupon bonds already issued, and the interest of all said bonds shall be payable at the Treasury of the United States. [*February* 20, 1875.]

Registered bonds may be issued instead of coupon bonds.
1875, March 3, ch. 162, § 18.

CHAPTER 95.

AN ACT REGULATING FEES AND COSTS AND FOR OTHER PURPOSES.

Feb. 22, 1875.
18 Stat. L., 333.

SECTION
1. Accounts for costs, &c., of clerks, marshals, and district attorneys; how proved, &c., before taxing or allowing.
— of commissioners.
Accounts and vouchers to be forwarded in duplicate.
2. Clerk and marshal, when to give increased bond.
3. Bonds of clerks of Supreme, circuit, and district courts.
Notice to execute new bonds to be given by district attorneys.
Attorney-General may require increased bonds of clerks of court.
Copies of clerks' bonds to be evidence; disposition of originals.
4. Mandamus by circuit court to officers to perform duties of this act.
5. Clerk of district or circuit court failing to make any report, &c., to be removed.
— appointment of successor of.
— disqualification or removal.
6. — additional punishment.
7. Mileage and expenses of attorneys, marshals, and clerks, how audited and paid.
8. Repeal.

Be it enacted, &c.

[SECTION 1], That before any bill of costs shall be taxed by any judge or other officer, or any account payable out of the money of the United States shall be allowed by any officer of the Treasury, in favor of clerks, marshals, or district attorneys, the party claiming such account shall render the same, with the vouchers and items thereof, to a United States circuit or district court, and, in presence of the district attorney or his sworn assistant, whose presence shall be noted on the record, prove in open court, to the satisfaction of the court, by his own oath or that of other persons having knowledge of the facts, to be attached to such account, that the services therein charged have been actually and neces-

Accounts for costs, &c., of clerks, marshals, and district attorneys; how proved, &c., before taxing or allowing.
R. S., §§ 824, 828, 829.

sarily performed as therein stated; and that the disbursements charged have been fully paid in lawful money; and the court shall thereupon cause to be entered of record an order approving or disapproving the account, as may be according to law, and just.

—of commissioners.

United States commissioners shall forward their accounts, duly verified by oath, to the district attorneys of their respective districts, by whom they shall be submitted for approval in open court, and the court shall pass upon the same in the manner aforesaid.

Accounts and vouchers to be made in duplicate.

Accounts and vouchers of clerks, marshals, and district attorneys, shall be made in duplicate, to be marked respectively "original" and "duplicate".

And it shall be the duty of the clerk to forward the original accounts and vouchers of the officers above specified, when approved, to the proper accounting officers of the Treasury, and to retain in his office the duplicates, where they shall be open to public inspection at all times.

Nothing contained in this act shall be deemed in any wise to diminish or affect the right of revision of the accounts to which this act applies by the accounting officers of the Treasury, as exercised under the laws now in force.

Clerk and marshal; when to give increased bond.
R. S., §§ 783, 795.

SEC. 2. That whenever the business of the courts in any judicial district shall make it necessary, in the opinion of the Attorney General, for the clerk or marshal to furnish greater security than the official bond now required by law, a bond in a sum not to exceed forty thousand dollars shall be given when required by the Attorney General, who shall fix the amount thereof.

Bonds of clerks of Supreme, circuit, and district courts.
R. S., § 795.

SEC. 3. That the clerks of the Supreme Court and the circuit and district courts, respectively, shall each, before he enters upon the execution of his office, give bond, with sufficient sureties, to be approved by the court for which he is appointed, to the United States, in the sum of not less than five, and not more than twenty thousand dollars, to be determined and regulated by the Attorney-General of the United States, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk;

Notice to execute new bonds to be given by district attorneys.

And it shall be the duty of the district attorneys of the United States, upon requirement by the Attorney General, to give thirty days notice of motion in their several courts that new bonds, in accordance with the terms of this act, are required to be executed; and upon failure of any clerk to execute such new bonds, his office shall be deemed vacant.

Attorney-General may require increased bonds of clerks of courts.

The Attorney General may at any time, upon like notice through the district attorney, require a bond of increased amount, in his discretion, from any of said clerks within the limit of the amount above specified; and the failure of the clerk to execute the same shall in like manner vacate his office.

Copies of clerks' bonds to be evidence; disposition of originals.

All bonds given by the clerks shall, after approval, be recorded in their respective offices, and copies thereof from the records, certified by the clerks respectively, under seal of court, shall be competent evidence in any court. The original bonds shall be filed in the Department of Justice.

Mandamus by circuit court to officers to perform duties of this act.

SEC. 4. That the circuit courts of the United States, for the purposes of this act, shall have power to award the writ of mandamus, according to the course of the common law, upon motion of the Attorney-General or the district attorney of the United States, to any officer thereof, to compel him to make the returns and perform the duties in this act required.

Clerk of district or circuit court failing to make any report, &c., to be removed.
R. S., §§ 797, 798.
1879, March 1, ch. 125, § 2.

SEC. 5. That if any clerk of any district or circuit court of the United States shall willfully refuse or neglect to make any report, certificate, statement, or other document required by law to be by him made, or shall willfully refuse or neglect to forward any such report, certificate, statement, or document to the department, officer, or person to whom, by law, the same should be forwarded, the President of the United States is empowered, and it is hereby made his duty, in every such case,

to remove such clerk so offending from office by an order in writing for that purpose.

And upon the presentation of such order, or a copy thereof, authenticated by the Attorney-General of the United States, to the judge of the court whereof such offender is clerk, such clerk shall thereupon be deemed to be out of office, and shall not exercise the functions thereof.

—appointment of successor.

And such district judge, in the case of the clerk of a district court, shall appoint a successor; and in the case of the clerk of a circuit court, the circuit judge shall appoint a successor.

—disqualification on removal.

And such person so removed shall not be eligible to any appointment as clerk or deputy clerk for the period of two years next after such removal.

—additional punishment. R. S., § 797. 1879, March 1, ch. 125, § 2.

SEC. 6. That if any clerk mentioned in the preceding section shall willfully refuse or neglect to make or to forward any such report, certificate, statement, or document therein mentioned, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, in the discretion of the court; but a conviction under this section shall not be necessary as a condition precedent to the removal from office provided for in this act.

Mileage and expenses of attorneys, marshals, and clerks; how audited and paid. R. S., §§ 827, 828, 830. 1874, June 16, ch. 285. 1875, March 3, ch. 133, § 1, par. 1. 15 Opin. Att'y-Gen., 108. 16 Opin. Att'y-Gen., 165.

SEC. 7. That the proviso in the sixth paragraph of the act entitled "An act making appropriations for the support of the army for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June sixteenth, eighteen hundred and seventy-four, shall not be construed to apply or to have applied to attorneys, marshals, or clerks of courts of the United States, their assistants or deputies.

And all accounts of said attorneys, marshals, and clerks, for mileage and for expenses incurred subsequent to the first day of July, eighteen hundred and seventy-four, and prior to the first day of January, eighteen hundred and seventy-five, shall and may be audited, allowed, and paid at the Treasury Department of the United States in the same manner as if said act had not been passed.

And from and after the first day of January, eighteen hundred and seventy-five, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law.

Repeal.

SEC. 8. That all acts inconsistent with the provisions of this act are hereby repealed. [*February* 22, 1875.]

CHAPTER 99.

AN ACT FOR THE RELIEF OF ACTUAL SETTLERS ON LANDS CLAIMED TO BE SWAMP AND OVERFLOWED LANDS IN THE STATE OF MISSOURI.

Feb. 23, 1875.

18 Stat. L., 334.

Purchasers of lands in Missouri as swamp lands to have priority to pre-empt or homestead if lands not in fact swamp.

Purchasers of lands in Missouri as swamp lands to have priority to pre-empt or homestead if lands not in fact swamp. R. S., §§ 2257, 2259, 2289.

Be it enacted, &c., That in all cases in the State of Missouri where lands have heretofore been selected and claimed as swamp and overflowed lands by said State, and the various counties therein, by virtue of any act of Congress, and said lands have been withheld from market in consequence thereof by the General Government, and the said State and counties have sold said lands to actual settlers, and said settlers have improved the same to the value of one hundred dollars; said settlers, their heirs, assigns, and legal representatives, who have continued to reside thereon, shall have priority of right to preëmpt or homestead all such lands as may be rejected by the United States as not being in fact swamp and overflowed lands;

And it shall be the duty of the Secretary of the Interior to make such rules and regulations as may be necessary to carry into effect the provisions of this act:

Provided, That nothing herein contained shall prejudice the rights of any person who may have made actual settlement upon such lands under the preëmption or homestead laws prior to the passage of this act. [*February* 23, 1875.]

CHAPTER 114.

March 1, 1875.

AN ACT TO PROTECT ALL CITIZENS IN THEIR CIVIL AND LEGAL RIGHTS.

18 Stat. L., 335.

SECTION
Preamble; equity of rights.
1. All persons to have equal rights in inns, public conveyances, theaters, and places of public amusement.
2. Persons violating provisions liable to penalty. Election of remedies by persons aggrieved. Judgment on one bars both remedies.
3. Jurisdiction of courts. District attorneys, marshals, and commissioners to institute proceedings against persons violating act.
SECTION
Rights of civil actions not affected. Failure of district attorney to prosecute. Effect of judgment against district attorney.
4. Jurors not to be excluded on account of race or color.
5. Supreme Court may review all cases under this act.

Equality of rights. *Const.* 14*th Amend.* R. S., §§ 1977–1991.

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore,

Be it enacted, &c.

All persons to have equal rights in inns, public conveyances, theaters, and places of public amusement. R. S., § 1977.

[SECTION 1], That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

Persons violating provisions liable to penalty. R. S., § 1980.

SEC. 2. That any person who shall violate the foregoing section by denying to any citizen, except for reasons by law applicable to citizens of every race and color, and regardless of any previous condition of servitude, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered in an action of debt, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred nor more than one thousand dollars, or shall be imprisoned not less than thirty days nor more than one year:

Election of remedies by persons aggrieved.

Provided, That all persons may elect to sue for the penalty aforesaid or to proceed under their rights at common law and by State statutes; and having so elected to proceed in the one mode or the other, their right to proceed in the other jurisdiction shall be barred. But this proviso shall not apply to criminal proceedings, either under this act or the criminal law of any State:

Judgment on one bars both remedies.

And provided further, That a judgment for the penalty in favor of the party aggrieved, or a judgment upon an indictment, shall be a bar to either prosecution respectively.

Jurisdiction of courts. R. S., § 563, par. 12. R. S., § 629, pars. 16, 17.

SEC. 3. That the district and circuit courts of the United States shall have, exclusively of the courts of the several States, cognizance of all crimes and offenses against, and violations of, the provisions of this act; and actions for the penalty given by the preceding section may be prosecuted in the territorial, district, or circuit courts of the United States wherever the defendant may be found, without regard to the other party;

And the district attorneys, marshals, and deputy marshals of the United States, and commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting and imprisoning or bailing offenders against the laws of the United States, are hereby specially authorized and required to institute proceedings against every person who shall violate the provisions of this act, and cause him to be arrested and imprisoned or bailed, as the case may be, for trial before such court of the United States, or territorial court, as by law has cognizance of the offense, except in respect of the right of action accruing to the person aggrieved; and such district attorneys shall cause such proceedings to be prosecuted to their termination as in other cases:

District attorneys, marshals and commissioners to institute proceedings against persons violating act.

Provided, That nothing contained in this section shall be construed to deny or defeat any right of civil action accruing to any person, whether by reason of this act or otherwise;

Right of civil action not affected. R. S., § 1979.

And any district attorney who shall willfully fail to institute and prosecute the proceedings herein required, shall, for every such offense, forfeit and pay the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action of debt, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than one thousand nor more than five thousand dollars:

Failure of district attorney to prosecute.

And provided further, That a judgment for the penalty in favor of the party aggrieved against any such district attorney, or a judgment upon an indictment against any such district attorney, shall be a bar to either prosecution respectively.

Effect of judgment against district attorney.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than five thousand dollars.

Jurors not to be excluded on account of race or color. R. S., §§ 800–822. 3 Hughes, 576. 100 U. S., 339.

SEC. 5. That all cases arising under the provisions of this act in the courts of the United States shall be reviewable by the Supreme Court of the United States, without regard to the sum in controversy, under the same provisions and regulations as are now provided by law for the review of other causes in said court. [*March* 1, 1875.]

Supreme Court may review all cases under this act. R. S., §§ 691, 699, par. 4. 1875, Feb. 16, ch. 77, § 3.

CHAPTER 115.

AN ACT TO AUTHORIZE THE PROMULGATION OF THE GENERAL REGULATIONS FOR THE GOVERNMENT OF THE ARMY.

March 1, 1875.

18 Stat. L., 337.

Regulations for government of Army may be made by President.

Be it enacted, &c., That so much of section twenty of the act approved July fifteenth, eighteen hundred and seventy, entitled "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy-one, and for other purposes," as requires the system of general regulations for the Army therein authorized to be reported to Congress at its next session, and approved by that body, be, and the same is hereby, repealed;

Regulations for government of Army may be made, &c., by President. 1870, ch. 294, § 20 (16 Stat. L., 319). 1876, Aug. 15, Res. No. 21, p. 255. 1879, June 23, ch. 35, § 2. 16 Opin. Att'y-Gen., 38.

And the President is hereby authorized, under said section, to make and publish regulations for the government of the Army in accordance with existing laws. [*March* 1, 1875.]

CHAPTER 117.

March 1, 1875.
18 Stat. L., 337.

AN ACT EXPLANATORY OF THE ACT PASSED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.

Cleaning streets, repairing sewers, &c., in District of Columbia declared municipal objects.

Cleaning streets, repairing sewers, &c., in District of Columbia declared municipal objects.
1874, June 20, ch. 337, § 2.
1878, March 3, ch. 180, § 3.

Be it enacted, &c., That it was the true intent and meaning of the act passed June twentieth, eighteen hundred and seventy-four, for the government of the District of Columbia, that the sweeping, cleaning, and removing all refuse and filthy accumulations in the streets, alleys, and avenues of the cities of Washington and Georgetown, and the repairs and cleaning of the sewers, are necessary municipal objects, which belong to the current expenses of the same, to be paid for in money as other ordinary municipal expenses;

And the proper District authorities are hereby directed to pay the parties that have heretofore performed this class of work, from the treasury of said District, out of any money not otherwise appropriated, the amount and value of said work done since the passage of the act, with legal interest from the time the same fell due under the contract, but not till after their accounts have been approved and audited as the law directs. [*March* 1, 1875.]

CHAPTER 118.

March 2, 1875.
18 Stat. L., 338.

AN ACT FIXING THE NUMBER OF PAYMASTERS IN THE ARMY OF THE UNITED STATES.

SECTION
1. Paymasters in Army; number of, with rank of major.
2. —need not be selected from additional paymasters.

Paymasters in Army; number of, with rank of major, to be fifty.
R. S., § 1182.
1875, March 3. *Res.* No. 7, p. —.

Be it enacted, &c.

[SECTION 1], That the number of paymasters is hereby established at fifty, instead of sixty, as was designated in the eighteenth section of the act of July twenty-eighth, eighteen hundred and sixty-six;(1) said paymasters to have the rank, pay, and emoluments of majors of cavalry.

Need not be selected from additional paymasters.
1866, ch. 299, § 18 (14 Stat. L., 335).

SEC. 2. That so much of said eighteenth section (2) as relates to the persons from whom said paymasters shall be selected be, and is hereby, repealed. [*March* 2, 1875.]

NOTES.—(1) The provision of the act here referred to, 1866, ch. 299, § 18 (14 Stat. L., 335), is incorporated into Revised Statutes in § 1182, noted in the margin. The meaning of this act is explained by resolution, 1875, March 3, No. 7, p. 193.
(2) Section 18 of the act of 1866, ch. 299 (14 Stat. L., 335), provided that paymasters should be "selected from persons who have served as additional paymasters," but that provision is not contained in the Revised Statutes.

CHAPTER 119.

March 2, 1875.
18 Stat. L., 338.

AN ACT FURTHER SUPPLEMENTAL TO THE VARIOUS ACTS PRESCRIBING THE MODE OF OBTAINING EVIDENCE IN CASES OF CONTESTED ELECTIONS.

SECTION
1. In contested-election cases Clerk of House to open depositions before meeting of Congress.
2. — time for taking testimony in, limited.

In contested-election cases, Clerk of House to open depositions before meeting of Congress.
R. S., § 127.

Be it enacted, &c.

[SECTION 1], That so much of section one hundred and twenty-seven of the Revised Statutes as requires the Clerk of the House of Representatives to open, upon the written request of either party, any deposition, in cases of contested election, after he shall have received the same, and prior to the meeting of Congress, be, and the same is hereby repealed.

SEC. 2. That section one hundred and seven of the Revised Statutes of the United States shall be construed as requiring all testimony in cases of contested election to be taken within ninety days from the day on which the answer of the returned member is served upon the contestant. [*March* 2, 1875.]

—time for taking testimony in, limited.
R. S., § 107.

CHAPTER 120.

AN ACT TO DECLARE THE TRUE INTENT AND MEANING OF THE TWENTIETH SECTION OF AN ACT PASSED BY THE LEGISLATURE OF THE TERRITORY OF DAKOTA, PASSED JANUARY FOURTEENTH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, ENTITLED "AN ACT MAKING THE CONVEYANCE OF HOMESTEADS NOT VALID UNLESS THE WIFE JOINS IN THE CONVEYANCE."

March 2, 1875.
18 Stat. L., 338.

In Dakota, act exempting property from execution, &c., not repealed, except so far as is inconsistent with act making void conveyances of homestead without joinder of wife.

Be it enacted, &c., That the twentieth section of the act named in the title shall not be construed as an absolute repeal of chapter thirty-seven of the laws of Dakota, approved May twelfth, eighteen hundred and sixty-two, but only as repealing so much of said chapter thirty-seven as is inconsistent with the first named act, and no other effect shall be given to said twentieth section. [*March* 2, 1875.]

In Dakota, act exempting property from execution, &c., not repealed, except so far as inconsistent with act making void conveyances of homestead without joinder of wife.

CHAPTER 126.

AN ACT IN RELATION TO THE QUARTERMASTER'S DEPARTMENT, FIXING ITS STATUS, REDUCING ITS NUMBERS, AND REGULATING APPOINTMENTS AND PROMOTIONS THEREIN.

March 3, 1875.
18 Stat. L., 338.

SECTION
1. Quartermaster's Department of Army; of what officers to consist.
2. —military storekeepers; office abolished, &c.
3. Rank, &c., of present officers not reduced.
4. —promotions and appointments in.

Be it enacted, &c.

[SECTION 1], That the Quartermaster's Department of the Army shall hereafter consist of the Quartermaster-General, with the rank, pay and emoluments of a brigadier-general; four assistant quartermasters-general, with the rank, pay and emoluments of colonels of cavalry; eight deputy quartermasters-general, with the rank, pay and emoluments of lieutenant-colonels of cavalry; fourteen quartermasters, with the rank, pay and emoluments of majors of cavalry; and thirty assistant quartermasters, with the rank, pay and emoluments of captains of cavalry.

Quartermaster's Department of Army; of what officers to consist.
R. S., § 1132.

SEC. 2. That no more appointments shall be made in the grade of military storekeepers in the Quartermaster's Department, and this grade shall cease to exist as soon as the same becomes vacant by death, resignation, or otherwise of the present incumbents.

—military storekeepers; office abolished, &c.
R. S., § 1132.

SEC. 3. That no officer now in service shall be reduced in rank, or deprived of his commission by reason of any provision of this act.

—rank, &c., of present officers not reduced.

SEC. 4. That no officer shall be promoted or appointed in the Quartermaster's Department in excess of the organization prescribed by this act, and that so much of section six of the act approved March third, eighteen hundred and sixty-nine, entitled (1) "An act making appropriations for the support of the Army for the year ending June thirtieth, eighteen hundred and seventy, and for other purposes", as applies to the Quartermaster's Department, be, and the same is hereby, repealed. [*March* 3, 1875.]

—promotions and appointments in.
R. S., § 1194.
15 Opin. Att'y-Gen., 330.

NOTE.—(1) The provisions of the act of 1869, ch. 124, § 6 (15 Stat. L., 318), are incorporated into Revised Statutes in § 1194, noted in the margin.

CHAPTER 127.

March 3, 1875.

18 Stat. L., 339.

AN ACT TO FURTHER PROTECT THE SINKING-FUND AND PROVIDE FOR THE EXIGENCIES OF THE GOVERNMENT.

SECTION
1. Tax on distilled spirits to be 90 cents a gallon.
2. — on tobacco 24 cents a pound.
— on cigars $6; on cigarettes $1.75 or $6, according to weight.
Contracts prior to February 10, 1875, how affected by this act.
3. Customs duties on sugars.
— on melada; defined.
— sugar in bags.
Drawback on refined sugar; only 1 per cent. to be retained.
4. The 10 per cent. reduction of duties repealed, and rates as in Revised Statutes restored.
5. Increase of duties, when not applicable.
6. Bolting-cloths free of duty.
Stamps not required on savings-bank receipts and books.

Be it enacted, &c.

Tax on distilled spirits to be 90 cents a gallon.
R. S., §§ 3251, 3309.
1875, March 3, ch. 131, § 12.

[SECTION 1], That from and after the passage of this act there shall be levied and collected on all distilled spirits thereafter produced in the United States, a tax of ninety cents on each proof gallon, or wine-gallon when below proof, to be paid by the distiller, owner or person having possession thereof, before removal from the distillery bonded warehouse; and so much of section three thousand two hundred and fifty-one of the Revised Statutes of the United States as is inconsistent herewith is hereby repealed.

— tobacco 24 cents a pound.
R. S., § 3368.
1879, March 1, ch. 125, § 14.

SEC. 2. That section (1) three thousand three hundred and sixty-eight of the Revised Statutes be, and the same is hereby, amended by striking out the words "twenty cents a pound", and inserting in lieu thereof, the words "twenty-four cents a pound";

— on cigars $6; on cigarettes $1.75, or $6, according to weight.
R. S., § 3394.
1 Hughes, 356.
3 Hughes, 227.

And that section three thousand three hundred and ninety-four (2) of the Revised Statutes be, and the same is hereby, amended by striking out the word "five" wherever it occurs therein, and inserting instead thereof the word "six", and by striking out the word "fifty" and inserting instead thereof the words "seventy-five":

Provided, That the increase of tax herein provided for shall not apply to tobacco on which the tax under existing law shall have been paid when this act takes effect.

Contracts prior to Feb. 10, 1875, how affected by this act.

And provided further, That whenever it shall be shown to the satisfaction of the Secretary of the Treasury by testimony under oath that any person liable to pay the increased tax by this section imposed had prior to the tenth day of February, eighteen hundred and seventy-five, made a contract for the future delivery of such tobacco, cigars, and cigarettes at a fixed price, which contract was in writing prior to that date, such tobacco may be delivered to the contracting party entitled thereto under special permit from the Commissioner of Internal Revenue provided therefor, without previous payment of such additional tax; but the said additional tax shall be a lien thereon, and shall be paid by and collected from the purchaser under such contract before the sale or removal thereof by him, and when demanded by the collector of internal revenue for the district to which the same shall be removed for delivery to the purchaser; and any sale or removal by such purchaser, prior to the payment of such tax, shall subject him and such tobacco so sold or removed to all the penalties and processes of law provided in the case of manufacturers of tobacco so selling or removing tobacco to avoid the payment of tax.

Customs duty on sugar.
R. S., § 2504 (2d ed., p. 468).

SEC. 3. That on all molasses, concentrated molasses, tank-bottoms, syrup of sugar cane juice, melada, and on sugars according to the Dutch standard in color, imported from foreign countries, there shall be levied, collected and paid, in addition to the duties now imposed in Schedule G, section two thousand five hundred and four of the Revised Statutes, an amount equal to twenty-five per centum of said duties as levied upon the several articles and grades therein designated;

— on melada, defined.

Provided, That concentrated melada, or concrete, shall hereafter be classed as sugar dutiable according to color by the Dutch standard: and melada shall be known and defined as an article made in the process of

NOTES.—(1) The rate of taxation is again changed by act of March 1, 1879, ch. 125, § 14.
(2) The amendments here made to § 3394 are incorporated therein in the second edition of the Revised Statutes.

sugar-making being the cane-juice boiled down to the sugar point and containing all the sugar and molasses resulting from the boiling-process and without any process of purging or clarification,

And any and all products of the sugar-cane imported in bags, mats, baskets or other than tight packages shall be considered sugar and dutiable as such.

Sugar in bags, mats, &c.

And provided further, That of the drawback on refined sugars exported allowed by section three thousand and nineteen of the Revised Statutes of the United States, only one per centum of the amount so allowed shall be retained by the United States.

Drawback on refined sugar; only 1 per cent. to be retained.
R. S., § 3019.
14 Opin. Att'y-Gen., 578.

SEC. 4. That so much of section two thousand five hundred and three of the Revised Statutes as provides that only ninety per centum of the several duties and rates of duty imposed on certain articles therein enumerated by section two thousand five hundred and four shall be levied, collected, and paid be, and the same is hereby, repealed; and the several duties and rates of duty prescribed in said section two thousand five hundred and four shall be and remain as by that section levied, without abatement of ten per centum as provided in section two thousand five hundred and three.

The 10 per cent. reduction of duties repealed and rates as in Revised Statutes restored.
R. S., §§ 2503, 2504.
16 Opin. Att'y-Gen., 660.

SEC. 5. That the increase of duties provided by this act shall not apply to any goods, wares, or merchandise actually on shipboard and bound to the United States, on or before the tenth day of February, eighteen hundred and seventy-five, nor on any such goods, wares, or merchandise on deposit in warehouses or public stores at the date of the passage of this act.

Increase of duties, when not applicable.
15 Opin. Att'y-Gen., 7.

SEC. 6. That nothing contained in the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes", approved February eighth, eighteen hundred and seventy-five, shall be construed to impose any duty on bolting-cloths theretofore admitted free of duty;

Bolting-cloths free of duty.
R. S., § 2505 (2d ed., p. 483).
1875, Feb. 8, ch. 36, § 1.

Nor to require the use of a stamp upon the receipt in the receipt-book of a savings-bank or institution for savings having no capital stock, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits without profit or compensation to the association or company, when money is paid to a depositor on his pass-book. [*March* 3, 1875.]

Stamps not required on savings-bank receipt-books.
R. S., § 3418.
1875, Feb. 8, ch. 36, § 15.

CHAPTER 128.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST-OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

March 3, 1875.
18 Stat. L., 340.

SECTION
1. *Par.* 1. Weighing of mails to be paid for out of appropriation for inland transportation.
Par. 2. Mail lettings in Maryland, Virginia, and District of Columbia, how advertised.
—in each State and Territory to be posted.
2. Congressmen may mail public documents at the reduced rates for nine months after expiration of term of office.
4. Accounts of Post-Office Department, how to be kept.
5. Congressional Record, &c., may be franked by Congressmen.
7. Seeds and agricultural reports mailed free by Congressmen and Commissioner of Agriculture.

Be it enacted, &c., That * * *

[SECTION 1.] * * *

[*Par.* 1.] Out of the appropriation for inland-mail transportation the Postmaster General is authorized hereafter to pay the expenses of taking the weights of mails on railroad routes, as provided by the act entitled (1) "An act making appropriations for the service of the Post-Office De-

Weighing of mails to be paid for out of appropriation for inland transportation.

NOTE.—(1) The provisions here referred to in acts of 1873, ch. 231, § 17 (18 Stat. L., 341), are incorporated in the Revised Statutes in § 4002, referred to in the margin.

R. S., § 4002. 1876, July 12, ch. 179, §1. 1878, June 17, ch. 259, § 1.

partment for the year ending June thirtieth, eighteen hundred and seventy-four," approved March third, eighteen hundred and seventy-three; and he is hereby directed to have the mails weighed as often as now provided by law by the employees of the Post-Office Department, and have the weights stated and verified to him by said employees under such instructions as he may consider just to the Post-Office Department and the railroad-companies.

* * * * * * *

Mail-lettings in Maryland, Virginia, and District Columbia, how advertised. R. S., § 3826. 1876, July 12, ch. 179. 1878, May 17, ch. 107. 1878, June 17, ch. 259, par. 5. 1881, Jan. 21, ch. 25. 15 Opin. Att'y-Gen., 282.

[*Par.* 2.] That hereafter the mail lettings for the States of Maryland and Virginia and for the District of Columbia shall be advertised in not more than one newspaper published in the District of Columbia, and at prices satisfactory to the Postmaster-General, not exceeding the customary rates paid in the city of Washington for ordinary commercial advertisements; and so much of section three thousand eight hundred and twenty-six of the Revised Statutes of the United States as refers to the publication of advertisements in newspapers be, and the same is hereby, repealed.

—in each State and Territory, to be posted. R. S., § 3941. 1876, July 12, ch. 179. 15 Opin. Att'y-Gen., 594.

The Postmaster-General shall cause an advertisement of the mail-lettings of each State and Territory to be posted up in each post-office therein, to be posted conspicuously for at least sixty days before the time of such letting.

* * * * * * *

SEC. 3. * * *

Congressmen may mail public documents at the reduced rates for nine months after expiration of term of office. R. S., §§ 3875–3879, 3896–3913. 1874, June 23, ch. 456, § 13. 1877, March 3, ch. 103, § 7.

That the provisions of section thirteen of the act of June twenty-third, eighteen hundred and seventy-four, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates, and postage on public documents mailed by such persons shall be as provided in said section.

Accounts of Post-Office Department; how to be kept. R. S., §§ 177, 4049, 4050.

SEC. 4. That hereafter the Sixth Auditor shall keep the accounts in his office so as to show the expenditures of the Post-Office Department under each item of appropriation provided by law.

Congressional Record, &c., may be franked by Congressmen, &c. R. S., § 3896. 1874, June 23, ch. 456, § 13.

SEC. 5. That from and after the passage of this act, the Congressional Record, or any part thereof, or speeches or reports therein contained, shall, under the frank of a member of Congress, or delegate, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe;

And that public documents already printed, or ordered to be printed, for the use of either House of Congress may pass free through the mails upon the frank of any member or delegate of the present Congress, written by himself, until the first day of December anno Domini eighteen hundred and seventy-five.

* * * * * * *

Seeds and agricultural reports mailed free by Congressmen and Commissioner of Agriculture. R. S., §§ 527, 3878, 3896. 1877, March 3, ch. 103, § 7. 1880, June 16, ch. 252.

SEC. 7. That seeds transmitted by the Commissioner of Agriculture, or by any member of Congress or delegate receiving seeds for distribution from said Department, together with agricultural reports emanating from that Department, and so transmitted, shall, under such regulations as the Postmaster-General shall prescribe, pass through the mails free of charge. And the provisions of this section shall apply to ex-members of Congress and ex-delegates for the period of nine months after the expiration of their terms as members and delegates. [*March* 3, 1875.]

CHAPTER 129.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

March 3, 1875.
18 Stat, L., 343.

SECTION
1. *Par.* 1. Post-office money-orders, fees for.
— not to be issued for more than $50.
Par. 2. Gaugers' compensation.
Par. 3. Chief of Bureau of Statistics to gather facts relating to railroads, &c., and to publish reports quarterly.
Par. 4. National Home for Disabled Soldiers not to have fines and forfeitures of soldiers as before.
— clerks not to be employed in relation to such fines, &c.
— to draw no money except upon annual appropriations.
— manner of drawing money for, &c.
Par. 4. — accounts and vouchers for, to be rendered, audited, &c.
Par. 5. Enlisted clerks in Adjutant-General's Office continued for special purpose.
Par. 6. Grade of third assistant examiners in Patent Office abolished.
Par. 7. In Post Office Department clerks of classes not to be paid from appropriations for other purposes.
3. Estimates for appropriations to be furnished by October 1, and certain abstracts to be included in Book of Estimates.

Be it enacted, &c. [SECTION 1.] * * *

[*Par.* 1.] That on and after the first day of July, eighteen hundred and seventy-five, the fees on money-orders shall be, for orders not exceeding fifteen dollars, ten cents; exceeding fifteen, and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty and not exceeding fifty dollars, twenty-five cents.

Post-office money-orders; fees for. R. S., § 4032.

And no money-order shall be issued for a sum greater than fifty dollars. * * *

— not to be issued for more than $50. R. S., § 4032.

[*Par.* 2.] (**Sup.**) [Hereafter no gauger [*internal revenue*] shall receive a greater compensation than six dollars per day.] * * *

Gaugers' compensation. R. S., § 3157.

1874, June 20, ch. 328, § 1, par. 9. *Superseded* by 1878, June 19, ch. 329, § 1, par. 4.

[*Par.* 3.] It shall be the duty of the officer in charge of the Bureau of Statistics to gather, collate, and annually report to the Secretary of the Treasury, for transmission to Congress, statistics and facts relating to commerce with foreign nations and among the several States, the railroad systems of this and other countries, the construction and operation of railroads, the actual cost of such construction and operation of railroads, the actual cost of transporting freights and passengers on railroads, and on canals, rivers, and other navigable waters of the United States, the charges imposed for such transportation of freight and passengers, and the tonnage transported; and the reports now by law required to be prepared and published monthly in the said Bureau of Statistics shall hereafter be prepared and published quarterly, under the direction of the Secretary of the Treasury. * * *

Bureau of Statistics to gather facts relating to railroads, &c., and to publish reports quarterly. R. S., § 339.

[*Par.* 4.] That so much of the act entitled (1) "An act to incorporate a National Military and Naval Asylum for the relief of totally disabled officers and men of the volunteer forces of the United States", approved March third, eighteen hundred and sixty five, and of all acts amendatory thereof, as provides "that for the establishment and support of said asylum there shall be appropriated all stoppages or fines adjudged against officers and soldiers by sentence of court-martial or military commission, over and above the amounts necessary for the re-imbursement of the Government or of individuals; all forfeitures on account of desertion from the service; and all moneys due deceased officers and soldiers which now are or may be unclaimed for three years after the death of such officers and soldiers," be, and the same is hereby, repealed, to take effect on and after the first day of April, eighteen hundred and seventy-five.

National Home for Disabled Volunteers not to have fines and forfeitures of soldiers as before. R. S., § 4831. 1879, March 3, ch. 182, § 1, Par. 7.

NOTE.—(1) The provisions of the acts here referred to, 1865, ch. 91, § 5 (13 Stat. L., 510), and 1866, ch. 21, § 5 (14 Stat. L., 10), are incorporated into Revised Statutes in § 4032, noted in the margin.

—clerks not to be employed in relation to such fines, &c.

And from and after April first, eighteen hundred and seventy-five, no clerk shall be employed or paid in any Department of the Government for services rendered under any provision of said act of March third, eighteen hundred and sixty-five, or the acts amendatory thereof.

—to draw no money except upon annual appropriations.

And from and after the first day of April, eighteen hundred and seventy-five, no money shall be appropriated or drawn for the support and maintenance of what is now designated by law as the "National Home for Disabled Volunteer Soldiers," except by direct and specific annual appropriations by law.

—estimates, and manner of drawing money for. R. S., § 4828.

And it shall be the duty of the managers of said home, on or before the first day of August in each year, to furnish, to the Secretary of War, estimates, in detail, for the support of said home for the fiscal year commencing on the first day of July thereafter; and the Secretary of War shall annually include such estimates in his estimates for his Department.

And no moneys shall, after the first day of April, eighteen hundred and seventy-five, be drawn from the Treasury for the use of said home, except in pursuance of quarterly estimates, and upon quarterly requisitions by the managers thereof upon the Secretary of War, based upon such quarterly estimates, for the support of said home for not more than three months next succeeding such requisition.

And no money shall be drawn or paid upon any such requisition while any balance heretofore drawn or received by said home, or for its use, from the Treasury, under the laws now or heretofore existing, and now held under investment or otherwise, shall remain unexpended.

—accounts and vouchers for to be rendered, audited, &c.

And the managers of said home shall, at the commencement of each quarter of the year, render to the Secretary of War an account of all their receipts and expenditures for the quarter immediately preceding, with the vouchers for such expenditures;

And all such accounts and vouchers shall be authenticated by the officers of said home thereunto duly appointed by said managers, and audited, and allowed, as required by law for the general appropriations and expenditures of the War Department. * * *

Enlisted clerks, &c., in Adjutant-General's Office continued for special purposes. R. S., § 169.

[*Par.* 5.] That the Adjutant-General be, and he is hereby, authorized, with the approval of the Secretary of War, to continue the services of not exceeding sixty-seven enlisted clerks, to be employed in copying the worn out muster-rolls and records, and in examining war-claims, until the said work shall be finished; and of not exceeding sixty enlisted men to be employed as messengers and watchmen until the records of the Adjutant General's Office can be collected in one safe building:

Provided, That the number of enlisted men hereby authorized shall be reduced as soon as their services can be dispensed with without injury to the public service. * * *

Grade of third assistant examiner in Patent Office abolished. R. S., §§ 169, 476.

[*Par.* 6.] That on and after the first day of July, eighteen hundred and seventy-six, the grade of third assistant examiner in the Patent Office shall cease. * * *

In Post-Office Department clerks of classes not to be paid from appropriations for other purposes. R. S., § 167.

[*Par.* 7.] That hereafter no payment shall be made as salaries to clerks of class one, two, three, or four in said Department, [*Post-Office Department*] out of appropriations made for other purposes; * * *

Estimates for appropriations to be furnished by Oct. 1, and certain abstracts to be included in Book of Estimates. R. S., §§ 414, 1798, 3660, 3669, 3814, 3822. 1881, Feb. 23, ch. 73, § 1.

SEC. 3. That it shall be the duty of the heads of the several Executive Departments, and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the first day of October of each year, their annual estimates for the public service, to be included in the Book of Estimates prepared by law under his direction; and the Secretary of the Treasury shall submit, as a part of the appendix to the Book of Estimates, such extracts from the annual reports of the several heads of Departments and Bureaus as relate to estimates for appropriations, and the necessities therefor. [*March* 3, 1875.]

CHAPTER 130.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

March 3, 1875.

18 Stat. L., 371.

SECTION

1. *Par.* 1. National-bank notes to be printed on distinctive paper, &c.
Par. 2. Bonds, notes, &c., of United States to have three plate printings.
— one to be done by bank note company.
Par. 3. Rate of compensation for investigating pension frauds.
Par. 4. Salaries and expenses of agents of seal-fisheries in Alaska.
Par. 5. Mailable matter of third class to pay one cent an ounce.
Par. 6. Secretary of State may rent, &c., buildings at Peking for legation.
Par. 7. Supervising surgeon of marine hospitals to be appointed by President, &c.; his salary.
Par. 8. Light-House Board may lease grounds for light-house service at mouth of Saginaw River.
Par. 9. Tolls on vessels entering or clearing Thunder Bay River to cease after completion of light-house.
Par. 10. Cost of survey of private land claims not required to be paid before issue of patent.
Par. 11. Duties of board of police in District of Columbia extended to public squares, &c.
Par. 12. Useless ordnance material of Navy may be sold; appropriation to procure new material, &c.
Par. 13. Members, &c., of House whose seats are contested not to be omitted from pay-roll.
Par. 14. Restriction upon contracts and expenditures for public buildings and sites therefor.
2. Organization and salaries in Treasury Department.
— in office of Secretary.
— in Construction Branch.
— of First Comptroller.
Clerks of Second Comptroller.
— of Commissioner of Customs.
— of First Auditor.
— of Second Auditor.
— of Third Auditor.
— of Fourth Auditor
— of Fifth Auditor.
— of Sixth Auditor.
— of Register.
— of Treasurer.
— of Light-House Board.
— of Comptroller of Currency.
— of Commissioner of Internal Revenue.
— of Divisions of Loans and Currency in Secretary's Office.
— of Treasurer.
— of Register.
— of First Auditor.
Duties of chief clerks transferred to deputy officers.
Appointments in Treasury Department to be distributed among the States, &c.
3. Force to be employed in office of Treasurer to carry out law for redistribution of bank notes through Treasury.
— in office of Comptroller of the Currency.
Reimbursement of Treasury for cost of redistribution of bank notes.
6. Uniform time for election of Representatives to Congress not to apply in certain cases.
8. Actions against officers of Congress for official acts to be defended by district attorneys, &c.
9. Statutes at Large to be stereotyped and offered for sale.
— to be kept on sale through arrangements with booksellers.
— printing and binding same, and index.
10. Maximum compensation for surveyors of customs.
11. Bonds for sinking fund may be called in by Secretary of Treasury.
12. Volumes of drawings, &c., published by Patent Office to be furnished departments.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

[*Par.* 1.] That the national-bank notes shall be printed under the direction of the Secretary of the Treasury, and upon the distinctive or special paper which has been, or may hereafter be, adopted by him for printing United States notes.

National-bank notes to be printed on distinctive paper, &c.
R. S., §§ 5171, 5172, 5430.

* * * * * * *

[*Par.* 2.] *Provided*, That the above-named notes, currency, and other securities of the United States be executed with not less than three plate-printings:

And provided further, That the Secretary of the Treasury shall have executed one or two of such printings by such responsible and capable and experienced bank-note companies or bank-note engravers as may contract for the same at the lowest cost to the Government, and at prices not greater than those heretofore paid for the same class of work; no company or establishment executing more than one printing upon the same note or obligation, and the final printing and finishing to be executed in the Treasury Department.

Bonds, notes, &c., of United States to have three plate-printings.
— one to be done by bank-note company.
R. S., § 3577.

* * * * * * *

[*Par.* 3.] That the additional compensation authorized by section four thousand seven hundred and forty-four of the Revised Statutes, to be paid to clerks detailed to investigate suspected attempts of fraud upon the Government through and by virtue of the pension-laws, shall be the actual and necessary expenses of transportation, and a per diem allowance in lieu of subsistence, not exceeding four dollars per diem.

Rate of compensation for investigating pension frauds.
R. S., § 4744.

* * * * * * *

Salaries and expenses of agents of seal-fisheries, Alaska.
R. S., §§ 1973, 1974.
1876, July 31, ch. 246, § 1.

[*Par.* 4.] For salaries and traveling-expenses of agents at seal fisheries in Alaska: one agent at three thousand six hundred and fifty dollars per annum; one assistant agent at two thousand nine hundred and twenty dollars per annum; two assistant agents at two thousand one hundred and ninety dollars each per annum; and for necessary traveling-expenses of agents going to and returning from Alaska, at six hundred dollars each per annum; * * *

And hereafter no payment whatever shall be made for this purpose from indefinite appropriations.

* * * * * * *

Mailable matter of third class to pay one cent an ounce.
R. S., §§ 3878, 3879.
1874, June 23, ch. 456, § 8.
13 Blatch., 207.

[*Par.* 5.] That section eight of the act approved June twenty-third, eighteen hundred and seventy-four, "making appropriations for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," be, and the same is hereby, amended as follows: Insert the word "ounce" in lieu of the words "two ounces."

Secretary of State may rent, &c., buildings at Peking for legation.
R. S., § 1680.

[*Par.* 6.] That the Secretary of State be, and he is hereby, authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, at Peking, for the use of the legation in China, at an annual cost not exceeding five thousand dollars; that the period of such lease shall be for two or more years, and with renewals, as the Secretary of State shall determine, (1)

* * * * * * *

Supervising surgeon of marine hospitals to be appointed by President, &c.; his salary.
R. S., § 4802.
1875, March 3, ch. 156, § 7.

[*Par.* 7.] That hereafter the salary of the supervising surgeon-general of the United States marine hospital service shall be paid out of the marine hospital fund, at the rate of four thousand dollars per year; and the supervising surgeon-general shall be appointed by the President, by and with the advice and consent of the Senate.

* * * * * * *

Light-House Board may lease grounds for light-house service at mouth of Saginaw River.
R. S., § 4658.

[*Par.* 8.] For erection of range-lights to guide into the cut through the outer bar at the mouth of the Saginaw River, in the State of Michigan, and for the construction of a new dwelling-house for the light-house keeper's use, * * * And that the jurisdiction of the Light-House Board is hereby extended so that it shall be lawful for said board to lease the necessary ground for erection and maintainance of the said lights.

Tolls on vessels entering or clearing Thunder Bay River to cease after completion of light-house.
1874, June 23, ch. 455, par. 7.

[*Par.* 9.] That the portion of the act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and seventy-five," approved June thirtieth, eighteen hundred and seventy-four, which makes appropriation for the construction of a light-house at the mouth of Thunder Bay River, in the State of Michigan, be so amended that the proviso thereto attached shall read as follows: *Provided*, That when the light-house is completed, from that time and thereafter further collections of tolls from vessels and their cargoes entering or clearing from said river is hereby prohibited.

* * * * * * *

Cost of survey of private land claims not required to be paid before issue of patent.
R. S., § 2400.

[*Par.* 10.] That the provisions of the third section of the act entitled "An act to reduce the expenses of the survey of the public lands in the United States," approved May thirtieth, eighteen hundred and sixty-two, requiring that the cost of survey and platting shall be paid by the claimant for any private land claim before a patent therefor shall be issued, be, and the same is hereby repealed. (2)

* * * * * * *

Duties of board of police in District of Columbia extended to public squares, &c.
R. S., § 1819.
R. S., vol. 2, Dist. Col., §§ 321–438.

[*Par.* 11.] That the duties devolved and the authority conferred upon the board of metropolitan police by law, for police purposes, in said District [*of Columbia*], shall extend to and include all public squares or

NOTES.—(1) This same provision is enacted again in the next following act (18 Stat. L., 405). It is not deemed necessary to repeat it in this volume.
(2) The provisions of 1862, ch. 86, § 3 (12 Stat. L., 409), here referred to, are incorporated into the Revised Statutes in § 2400, noted in the margin.

places; and said board are hereby authorized and required to make appropriate rules and regulations in relation thereto.

* * * * * * *

[*Par.* 12.] That the Secretary of the Navy is authorized to dispose of the useless ordnance material on hand at public sale, according to law, the net proceeds of which shall be turned into the Treasury;

And an amount equal to the same is hereby appropriated, to be applied to the purpose of procuring a supply of material adapted in manufacture and calibre to the present wants of the service;

But there shall be expended, under this provision, not more than seventy-five thousand dollars in one year;

And in the case of sale of like materials in the War Department, the proceeds of which shall be turned into the Treasury, an amount equal to the net proceeds of such sale is hereby appropriated for the purpose of procuring a supply of material adapted in manufacture and calibre to the present wants of the war service;

And there shall be expended in the War Department, under this provision, not more than seventy-five thousand dollars in any one year.

Useless ordnance material of Navy may be sold; appropriation to procure new material, &c.
R. S., §§ 3618, 3672, 3692.

* * * * * * *

[*Par.* 13.] That so much of section thirty-eight of the Revised Statutes as requires the Clerk of the House of Representatives to omit from the pay-roll of Representatives and Delegates elect to Congress those holders of legal certificates whose election he may be notified will be contested be, and the same hereby is repealed.

Members, &c., of House whose seats are contested not to be omitted from pay-roll.
R. S., § 38.

* * * * * * *

[*Par.* 14.] And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor;

And no money shall be expended upon any public building on which work has not yet been actually begun until after drawings and specifications together with detailed estimates of the cost thereof, shall have been made by the Supervising Architect of the Treasury Department, and said plans and estimates shall have been approved by the Secretary of the Treasury, Secretary of the Interior, and the Postmaster General;

And all appropriations made for the construction of such building shall be expended within the limitations of the act authorizing the same or limiting the cost thereof;

And no change of said plan involving an increase of expense exceeding ten per centum of the amount to which said building was limited shall be allowed or paid by any officer of the Government without the special authority of Congress.

Restriction upon contracts and expenditures for public buildings and site therefor.
R. S., §§ 3663, 3733–3735, 5503.
1874, June 23, ch. 476, § 2.

* * * * * * *

SEC. 2. That on and after July first, eighteen hundred and seventy-five, the organization of the Treasury Department, and the several offices thereof, and the annual salaries paid to the persons therein, shall be as follows, to wit:

Organization and salaries in Treasury Department.
R. S., § 235.

IN THE OFFICE OF THE SECRETARY OF THE TREASURY:

Office of Secretary.
R. S., §§ 160, 200, 235, 242.

The Secretary, eight thousand dollars;

Two assistant secretaries, at four thousand five hundred dollars each;

Chief clerk, three thousand dollars;

One chief of division of warrants, estimates, and appropriations, three thousand dollars;

Seven chiefs of division, at two thousand eight hundred dollars each;

Eight assistant chiefs of division, at two thousand four hundred dollars each;

Two disbursing clerks at two thousand eight hundred dollars each;

Twenty-five clerks of class four;

Stenographer to the Secretary, two thousand four hundred dollars;

Twenty-six clerks of class three;

Twenty-one clerks of class two;

Eighteen clerks of class one;
Thirty-one clerks at nine hundred dollars each;
Eleven messengers;
And eleven laborers;
One clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building,
One captain of the watch, one thousand four hundred dollars;
One engineer, one thousand six hundred dollars;
One machinist and gas-fitter, one thousand two hundred dollars;
One storekeeper, one thousand four hundred dollars;
Sixty watchmen, at seven hundred and twenty dollars each, and additional to two of said watchmen, acting as lieutenants of watchmen, two hundred and eighty dollars each;
Twenty-five laborers, at seven hundred and twenty dollars each;
One assistant engineer, one thousand dollars;
Nine firemen, at seven hundred and twenty dollars each;
And ninety char-women, at one hundred and eighty dollars each.

Clerks of Construction Branch. R. S., § 235.

IN THE CONSTRUCTION BRANCH OF THE TREASURY:—

Supervising Architect, four thousand five hundred dollars;
Chief clerk, two thousand five hundred dollars;
One photographer, two thousand five hundred dollars;
One principal clerk, at two thousand four hundred dollars;
Two clerks, at two thousand dollars each;
One assistant photographer, at one thousand six hundred dollars;
Two clerks of class four;
Four clerks of class three;
Two clerks of class one;
Two clerks, at nine hundred dollars each;
And one messenger.

—of First Comptroller. R. S., § 235.

IN THE OFFICE OF THE FIRST COMPTROLLER:—

The First Comptroller of the Treasury, five thousand dollars;
Deputy comptroller, two thousand eight hundred dollars;
Four chiefs of division, at two thousand four hundred dollars each;
Six clerks of class four;
Twelve clerks of class three;
Ten clerks of class two;
Five clerks of class one;
Six clerks at nine hundred dollars each;
One messenger;
And three laborers,

—of Second Comptroller. R. S., § 235.

IN THE OFFICE OF THE SECOND COMPTROLLER:—

The Second Comptroller, five thousand dollars;
Deputy comptroller, two thousand eight hundred dollars;
Six chiefs of division, at two thousand four hundred dollars each;
Six clerks of class four;
Seventeen clerks of class three;
Eighteen clerks of class two;
Eleven clerks of class one;
Ten clerks at nine hundred dollars each;
One messenger
And three laborers,

—of Commissioner of Customs. R. S., §§ 235, 316–318.

IN THE OFFICE OF THE COMMISSIONER OF CUSTOMS:—

The Commissioner of Customs, four thousand five hundred dollars;
Deputy commissioner, two thousand five hundred dollars;
Two chiefs of division, at two thousand four hundred dollars each;
Two clerks of class four;
Five clerks of class three;
Ten clerks of class two;
Nine clerks of class one;

One messenger;
And one laborer.

IN THE OFFICE OF THE FIRST AUDITOR:— —of First Auditor. R. S., § 235.

The First Auditor of the Treasury, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Four chiefs of division, at two thousand one hundred dollars each;
Two clerks of class four;
Seven clerks of class three;
Eight clerks of class two;
Thirteen clerks of class one;
One messenger,
And two laborers.

IN THE OFFICE OF THE SECOND AUDITOR:— —of Second Auditor. R. S., § 235.

The Second Auditor of the Treasury, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Five chiefs of division, at two thousand one hundred dollars each;
Six clerks of class four;
Thirty-five clerks of class three;
Seventy clerks of class two;
Forty-five clerks of class one;
One messenger;
And twelve laborers.

IN THE OFFICE OF THE THIRD AUDITOR:— —of Third Auditor. R. S., § 276.

The Third Auditor of the Treasury, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Five chiefs of division, at two thousand one hundred dollars each;
Six clerks of class four;
Twenty-five clerks of class three;
Seventy-five clerks of class two;
Forty clerks of class one;
Ten clerks at nine hundred dollars each;
Two messengers;
Seven laborers;
And one char-woman, at four hundred and eighty dollars.

IN THE OFFICE OF THE FOURTH AUDITOR:— —of Fourth Auditor. R. S., § 276.

The Fourth Auditor of the Treasury, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Three chiefs of division, at two thousand one hundred dollars each;
Two clerks of class four;
Eighteen clerks of class three;
Eleven clerks of class two;
Ten clerks of class one;
Six clerks, at nine hundred dollars each;
One messenger;
And three laborers.

IN THE OFFICE OF THE FIFTH AUDITOR:— —of Fifth Auditor. R. S., § 276.

The Fifth Auditor of the Treasury, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Two chiefs of division, at two thousand one hundred dollars each;
Two clerks of class four;
Seven clerks of class three;
Six clerks of class two;
Eight clerks of class one;
Five clerks, at nine hundred dollars each;
One messenger;
And two laborers.

Clerks of Sixth Auditor. R. S., § 276.

IN THE OFFICE OF THE AUDITOR OF THE TREASURY FOR THE POST OFFICE DEPARTMENT:

The Auditor of the Treasury for the Post Office Department, four thousand dollars;
Deputy auditor, two thousand five hundred dollars;
Eight chiefs of division, at two thousand one hundred dollars each;
Eight clerks of class four, and, additional to one clerk of class four as disbursing clerk, two hundred dollars;
Fifty-four clerks of class three;
Sixty-nine clerks of class two;
Thirty-seven clerks of class one;
One messenger;
And nineteen laborers;
Twenty assorters of money orders, at one thousand dollars each;
Also fifteen female assorters of money orders, at nine hundred dollars each.

IN THE OFFICE OF THE REGISTER:

— of Register. R. S., § 276.

The Register of the Treasury, four thousand five hundred dollars;
One assistant register and one deputy register, at two thousand five hundred dollars each;
Seven clerks of class four;
Ten clerks of class three;
Fourteen clerks of class two;
Eight clerks of class one;
Eight copyists, at nine hundred dollars each;
One messenger;
And four laborers.

IN THE OFFICE OF THE TREASURER:

— of Treasurer. R. S., §§ 235, 301–311.

The Treasurer of the United States, six thousand five hundred dollars;
Assistant treasurer, three thousand eight hundred dollars;
Cashier, three thousand eight hundred dollars;
Assistant cashier, three thousand five hundred dollars;
Five chiefs of division, at two thousand seven hundred dollars each;
Two principal bookkeepers, one at two thousand six hundred dollars and one at two thousand five hundred dollars;
Two tellers, one at two thousand seven hundred dollars and one at two thousand six hundred dollars;
One chief clerk, at two thousand seven hundred dollars;
Two assistant tellers, at two thousand three hundred and fifty dollars each;
Thirteen clerks of class four;
Thirteen clerks of class three;
Nine clerks of class two;
Eight clerks of class one;
Sixty clerks, at nine hundred dollars each;
Seven messengers;
Five laborers, at seven hundred and twenty dollars each;
And seven laborers, at two hundred and forty dollars each.

IN THE OFFICE OF THE LIGHT HOUSE BOARD:

— of Light-House Board. R. S., § 235.

The chief clerk of the Light House Board, two thousand five hundred dollars;
Two clerks of class four;
Two clerks of class three;
One clerk of class two;
One clerk of class one;
One clerk, at nine hundred dollars;
One messenger;
And one laborer.

IN THE OFFICE OF THE COMPTROLLER OF THE CURRENCY: —Clerks of Comptroller of the Currency. R. S., § 325.

The Comptroller of the Currency, five thousand dollars;
Deputy comptroller, three thousand dollars;
Four chiefs of division, at two thousand four hundred dollars each;
One stenographer, at two thousand dollars;
Eight clerks of class four;
Fourteen clerks of class three;
Twelve clerks of class two;
Eleven clerks of class one;
Thirty-three clerks, at nine hundred dollars each;
Four messengers;
Four laborers;
And two night watchmen.

IN THE OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE: —of Commissioner of Internal Revenue. R. S., § 319.

The Commissioner of Internal Revenue, six thousand dollars;
Deputy commissioner, three thousand five hundred dollars;
One deputy commissioner, at three thousand dollars;
Seven heads of division, at two thousand five hundred dollars each;
One stenographer, at two thousand dollars;
Thirty clerks of class four;
Forty-two clerks of class three;
Fifty clerks of class two;
Eighteen clerks of class one;
Seventy clerks, at nine hundred dollars each;
Five messengers;
And fifteen laborers.

IN THE OFFICE OF THE SECRETARY OF THE TREASURY. —of divisions of Loans and Currency in Secretary's office. R. S., § 235.

That there shall be in the Office of the Secretary of the Treasury a Division of Loans and a Division of Currency, with the following employees:

Two chiefs of division, at two thousand eight hundred dollars each;
Two assistant chiefs of division, at two thousand four hundred dollars each;
Fourteen clerks of class four;
Eight clerks of class three;
Six clerks of class two;
Four clerks of class one;
Sixty clerks, at nine hundred dollars each;
Eight messengers;
Eleven laborers, at seven hundred and twenty dollars each;
And twelve laborers, at not exceeding two dollars and twenty-five cents a day each;

And additional pay to three fourth-class clerks in the Division of Loans, namely, receiving clerk of bonds and two bookkeepers, three hundred dollars each.

IN THE OFFICE OF THE TREASURER: —of Treasurer. R. S., §§ 235, 301–311.

Seventeen clerks of class four;
Six clerks of class three;
Five clerks of class two;
Nine clerks of class one;
One hundred and forty-five counters and copyists, at nine hundred dollars each;
Nine messengers;
And twenty-six laborers.

IN THE OFFICE OF THE REGISTER OF THE TREASURY. —of Register. R. S., §§ 235, 312–315.

Five chiefs of division, at two thousand five hundred dollars each;
One disbursing clerk, at two thousand dollars;
Twelve clerks of class four;
Twelve clerks of class three;

Four clerks of class two;
Five clerks of class one;
One hundred counters and copyists at nine hundred dollars each;
Eight messengers;
And six laborers.

Clerks of First Auditor. R. S., § 235.

IN THE OFFICE OF THE FIRST AUDITOR OF THE TREASURY:

Four clerks of class four;
Three clerks of class three;
Three clerks of class two;
And two clerks of class one.

Duties of chief clerks transferred to deputy officers. R. S., §§ 173–175, 235.

That the duties heretofore prescribed by law and performed by the chief clerks in the several Bureaus named shall hereafter devolve upon, and be performed by, the several deputy comptrollers, deputy auditors, deputy register, and deputy commissioner herein named:

15 Opin. Att'y-Gen., 3.

Appointments in Treasury Department to be distributed among the States, &c. R. S., § 169.

Provided, That on and after January first, eighteen hundred and seventy-six, the appointments of this Department shall be so arranged as to be equally distributed between the several States of the United States, Territories, and the District of Columbia, according to population.

* * * * * * *

Force to be employed in office of Treasurer in carrying out law for redistribution of national-bank notes through Treasury. R. S., § 169. 1874, June 20, ch. 343, § 3.

SEC. 3. That to carry into effect the provisions of section three of the act entitled "An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes" approved June twentieth, eighteen hundred and seventy-four, the Secretary of the Treasury is authorized to appoint the following force, to be employed under his direction, namely:

—in office of Treasurer. R. S., §§ 301–311.

IN THE OFFICE OF THE TREASURER:

One superintendent, three thousand five hundred dollars;
Two principal tellers and one principal book-keeper, at two thousand six hundred dollars each;
One assistant principal book-keeper at two thousand five hundred dollars;
Two assistant tellers, at two thousand two hundred dollars each;
Two clerks of class four;
Two clerks of class three;
Four clerks of class two;
Forty-four clerks of class one;
Twenty-one clerks, at one thousand dollars each;
Sixty clerks, at nine hundred dollars each;
Four messengers;
Five assistant messengers;
And three persons to be employed at four hundred and thirty-two dollars each;
For which the sum of one hundred and sixty-six thousand and six hundred and fifty six dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

—in office of Comptroller of the Currency. R. S., § 169.

IN THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.

One superintendent, at two thousand four hundred dollars;
One teller and one principal book-keeper, at two thousand four hundred dollars each;
One assistant book-keeper, at two thousand two hundred dollars;
One clerk of class four;
Four clerks of class one;
Twenty clerks, at nine hundred dollars each;
And one messenger;
For which the sum of thirty-four thousand eight hundred and forty

dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

And at the end of each month, the Secretary of the Treasury shall re-imburse the Treasury to the full amount paid out under the provisions of this section by transfer of said amount from the deposit of the national banking-associations with the Treasury of the United States;

Reimbursement of Treasury for cost of redistribution of bank notes.
1874, June 20, ch. 343, § 3.

And at the end of each fiscal year he shall transfer from said deposit to the Treasury of the United States such sum as may have been actually expended under his direction for stationery, rent, fuel, light, and other necessary incidental expenses which have been incurred in carrying into effect the [*the*] provisions of the said section of the above named act.

* * * * * * *

SEC. 6. That section twenty-five of the Revised Statutes prescribing the time for holding elections for Representatives to Congress, is hereby modified so as not to apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State.

Uniform time for election of Representatives to Congress not to apply to certain States.
R. S., § 25.
1876, June 11, ch. 184.

* * * * * * *

SEC. 8. That in any action now pending, or which may be brought against any person for or on account of anything done by him while an officer of either House of Congress in the discharge of his official duty, in executing any order of such House, the district attorney for the district within which the action is brought, on being thereto requested by the officer sued, shall enter an appearance in behalf of such officer; and all provisions of the eighth section (3) of the act of July twenty-eighth, eighteen hundred and sixty-six, entitled "An act to protect the revenue, and for other purposes," and also all provisions of the sections of former acts therein referred to, so far as the same relate to the removal of suits, the withholding of executions, and the paying of judgments against revenue or other officers of the United States, shall become applicable to such action and to all proceedings and matters whatsoever connected therewith, and the defense of such action shall thenceforth be conducted under the supervison and direction of the Attorney General.

Actions against officers of Congress for official acts to be defended by district attorney, under directions of Attorney-General, &c.
R. S., §§ 629, par. 12; 643, 645, 646, 827, 834, 989.

SEC. 9. That the Secretary of State shall cause the statutes at large enacted by each Congress, which shall be edited and printed pursuant to the provisions of section seven of the act entitled "An act for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, to be stereotyped and offered for sale in the same manner and on the same terms as is provided in and by section nine of said act herein mentioned in respect to the laws of each session of Congress.

Statutes at Large to be stereotyped and offered for sale.
1874, June 20, ch. 333, §§ 7, 9.

That the provisions of section two of the act entitled "An act providing for the distribution of the Revised Statutes," approved February eighteenth, eighteen hundred and seventy-five, shall apply to the statutes at large enacted by each Congress and to the laws of each session of Congress, to be published pursuant to said act of June twentieth, eighteen hundred and seventy-four, in the same manner as if specially mentioned therein.

—to be kept on sale through arrangements with booksellers.
1875, Feb. 18, ch. 84, § 2.

That the Congressional Printer be, and he is hereby directed, in causing to be printed and bound an edition of the laws at the close of the session for the use of the Senate and the House of Representatives, to print the same from the stereotype plates of the edition prepared under the direction of the Department of State, with the index thereof;

—printing and binding same, and index.
R. S., § 3807.

And so much of the act entitled (4) "An act to expedite and regulate the printing of public documents, and for other purposes," approved June twenty-fifth, eighteen hundred and sixty-four, as requires the

NOTES.—(3) The eighth section of the act of 1866, ch. 298 (14 Stat. L., 329), is not in terms found in the Revised Statutes, but the provisions to which it refers and to which reference seems to be made in this act are incorporated into the Revised Statutes in the several sections noted in the margin.
(4) The provision of the act of 1864, ch. 155 (13 Stat. L., 184), here repealed, is incorporated into Revised Statutes, § 3807, noted in the margin.

preparation of an alphabetical index, under the direction of the Joint Committee on Printing, be and the same is hereby, repealed.

Maximum compensation of surveyors of customs.
R. S., § 2688.
1874, ch. 391, § 23.
1879, ch. 103.

SEC. 10. That section two thousand six hundred and eighty-eight of the Revised Statutes of the United States be amended by inserting at the end thereof as follows: "That hereafter the maximum compensation of each surveyor of customs, performing the duties of collectors of customs, shall be five thousand dollars a year, out of any and all fees and emoluments by him received." (5)

Bonds for sinking fund may be called in by Secretary of Treasury.
R. S., §§ 3694-3697.
1879, Jan. 25, ch. 24.

SEC. 11. That the Secretary of the Treasury is hereby authorized, at such times as may be necessary, for the purpose of obtaining bonds for the sinking-fund, in compliance with sections three thousand six hundred and ninety-four to three thousand six hundred and ninety-seven, inclusive, of the Revised Statutes of the United States, to give public notice that he will redeem, in coin, at par, any bonds of the United States, bearing interest at the rate of six per centum, of the kind known as five-twenties; and in three months after the date of such public notice, the interest on the bonds so selected and called for payment shall cease.

Volumes of drawings, &c., published by Patent Office to be furnished Departments.
R. S., §§ 481, 490.

SEC. 12. That it shall be the duty of the Commissioner of Patents to furnish, free of cost, one copy of the bound volumes of specifications and drawings of patents published by the Patent-Office, to each of the Executive Departments of Government, upon the request of the head thereof. [*March* 3, 1875.]

NOTE.—(5) This amendment is incorporated into the second edition of the Revised Statutes in § 2688.

CHAPTER 131.

March 3, 1875.
18 Stat. L., 402.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR FISCAL YEARS ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND PRIOR YEARS, AND FOR OTHER PURPOSES.

SECTION
1. Subsistence stores for sale to Army officers may be purchased from subsistence appropriations.
— proceeds of sale of, not to be covered into Treasury.
4. Commissions for disbursing money in construction of public buildings limited to three-eighths of one per cent.
9. Band at Military Academy, of what to consist.
10. — pay of.
12. Tax on distilled spirits assessed by Commissioner to be 90 cents a gallon.
14. Commissions of officers under Secretary of Interior to be made in his Department, &c.
15. Certain Indians entitled to benefit of homestead laws.
— not to alienate same, &c.
— interest of, in tribal property.
— entries of homestead by, heretofore made confirmed.

Be it enacted, &c.

[SECTION 1.] * * *

Subsistence stores for sale to Army officers may be purchased from subsistence appropriations.
— proceeds of sale of, not to be covered into Treasury.
R. S., §§ 3618, 3672, 3692.

That so much of the appropriation for subsistence of the Army as may be necessary may be applied to the purchase of subsistence-stores for sale to officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations,

And the proceeds of all sales of subsistence-supplies shall hereafter be exempt from being covered into the Treasury and shall be immediately available for the purchase of fresh supplies.

* * * * * * *

Commission for disbursing money in construction of public buildings limited to three-eighths of one per cent.
R. S., § 3654.

SEC. 4. * * * That the provisions contained in the act approved March third, eighteen hundred and sixty-nine, entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June thirtieth, eighteen hundred and sixty-nine, and for other purposes," (1) limiting the compensation to be allowed for the disbursement of moneys appropriated for the construction of any public building was intended and shall be deemed and held to limit the compensation to be allowed to any disbursing officer who disburses moneys appropriated for and expended in

NOTES.—(1) The provisions of the act of 1869, ch. 123 (15 Stat. L., 312), here referred to, are incorporated into the Revised Statutes in § 3654, noted in the margin.

the construction of any public building as aforesaid to three-eighths of one per centum for said services.

* * * * * * *

Band at Military Academy; of what to consist.
R. S., §§ 1094, 1111, 1309.

SECT. 9. That the military academy band, shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musicians of the band

—pay of.
R. S., §§ 1278, 1282, 1283.

SEC. 10. That the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the army; and that of the enlisted musicians of the band, ten shall each be paid thirty-four dollars per month: and the remaining thirty shall each be paid thirty dollars per month; and that the enlisted musicians of the band shall have the benefits as to pay, arising from re-enlistments and length of service, applicable to other enlisted men of the army.

* * * * * * *

Tax on distilled spirits assessed by Commissioner to be 90 cents a gallon.
R. S., § 3309. 1875, March 3, ch. 127, § 1.

SEC. 12. That (2) section thirty-three hundred and nine of the Revised Statutes be so amended that the word seventy, wherever it occurs in the same, shall be stricken out and the word ninety be substituted therefor.

* * * * * * *

Commissions of officers under Secretary of Interior to be made, &c., in his Department, &c.
R. S., §§ 437, 1794.

SECTION 14, That hereafter the commissions of all officers under the direction of and control of the Secretary of the Interior shall be made out and recorded in the Department of the Interior, and the seal of the said Department affixed thereto; any laws to the contray notwithstanding:

Provided, That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

And all commissions heretofore issued in conformity to the provisions (3) of the third section of the act of thirty-first of May eighteen hundred and fifty-four, and all official acts done by officers thus commissioned are hereby declared legal and valid.

Certain Indians entitled to benefit of homestead laws.
R. S., §§ 2289–2317.
1891, June 18, ch. 23, §§ 2, 3.

SEC. 15. That any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior, be entitled to the (4) benefits of the act entitled "An act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act:

—not to alienate same, &c.

Provided, however, That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor:

—interest of, in tribal property, &c.

Provided, That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

—entries of homestead by, heretofore made, confirmed.
R. S., §§ 2289–2317.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the homestead-law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to the promulgation of regulations to be

NOTES.—(2) This amendment has been incorporated into the second edition of the Revised Statutes.
(3) The section here referred to, 1854, ch. 60, § 3 (10 Stat. L., 297), was the same as the first paragraph of this section, but was omitted from the Revised Statutes.
(4) The provisions here referred to are incorporated into Revised Statutes in the sections noted in the margin. The eighth section of the act of 1862, ch. 75 (12 Stat. L., 392), here excepted, forms § 2301 of Revised Statutes.

established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance. [*March* 3, 1875.]

CHAPTER 132.

March 3, 1875.
18 Stat. L., 420.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY-STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

SECTION

1. Three Indian inspectors only, and agencies need not be inspected twice a year.
2. No payments to Indians at war with United States.
4. Agents to make rolls of Indians entitled to supplies, and how to distribute supplies.
5. — employés of, amount allowed for.
Indians to be employed.
Agent's oath to accounts.
Increase of employés, how obtained.
6. Appropriations for Indian supplies to be so distributed as to prevent deficiencies.
— not to be exceeded in any year.
7. Purchase of Indian supplies exceeding $1,000 not to be made without advertising, and no credits allowed to officers without vouchers.
Copies of contracts for Indian service to be furnished Second Auditor.
8. Secretary of Interior to print and lay before Congress annually statement of expenditures of Indian appropriations, and statement of salaries, &c.
Report of Commissioner of Indian Affairs, &c., to be laid before Congress on first day of session.
9. Bidders on account of Indian service in amounts exceeding $5,000 to accompany bids with certified checks, &c.
10. Sureties on Indian agents' bonds to file statement of property.
Indian agents to keep books of expenditures, and forward transcripts to Commissioner.
— punishment for failure to keep books, &c.

Be it enacted, &c.

Three Indian inspectors only, and agencies need not be inspected twice a year.
R. S., §§ 2043–2045.

[SECTION 1], * * * That after the commencement of the next fiscal year there shall be but three inspectors; and that provision of law requiring that each agency shall be visited and examined by one or more of the inspectors at least twice in each year is hereby repealed.

* * * * * * *

No payments to Indians at war with United States.
R. S., § 2100.

SEC. 2. That none of the appropriations herein made, or of any appropriations made for the Indian service, shall be paid to any band of Indians or any portion of any band while at war with the United States or with the white citizens of any of the States or Territories.

Repetition of—
1874, June 22, ch. 389, § 3.

SEC. 3. (1) * * *

Agents to make rolls of Indians entitled to supplies; how to distribute supplies.
R. S., §§ 2058, 2086, 2087.

SEC. 4. That hereafter, for the purpose of properly distributing the supplies appropriated for the Indian service, it is hereby made the duty of each agent in charge of Indians and having supplies to distribute, to make out, at the commencement of each fiscal year, rolls of the Indians entitled to supplies at the agency, with the names of the Indians and of the heads of families or lodges, with the number in each family or lodge, and to give out supplies to the heads of families, and not to the heads of tribes or bands, and not to give out supplies for a greater length of time than one week in advance.

—employés of; amount allowed for.
R. S., §§ 2055, 2058.
1880, May 11, ch. 85, § 1, par. 2.

SEC. 5. That hereafter not more than six thousand dollars shall be paid in any one year for salaries or compensation of employees at any one agency, in addition to the salaries of the agent, and not more at any one agency than is absolutely necessary;

Indians to be employed.
1878, May 27, ch. 142.
1879, Feb. 17, ch. 87.

And where Indians can perform the duties they shall be employed; and the number and kind of employees at each agency shall be prescribed by the Secretary of the Interior, and none others shall be employed.

Agent's oath to accounts.

Indian agents shall be required to state, under oath, upon rendering

NOTE.—(1) This section is an exact repetition of section 3 of act of 1874, June 22, ch. 389, and as it is printed with that act in this volume it is deemed unnecessary to reprint it here.

their quarterly accounts, that the employees claimed for were actually and bona fide employed at such agency, and at the compensation as claimed, and that such service was necessary; and that such agent is not to receive, and has not received, directly or indirectly, any part of the compensation claimed for any other employee: *Provided*, That when there is no officer authorized to administer oaths within convenient distance of such agent, the Secretary of the Interior may direct such returns to be made upon certificate of the agent:

Increase of employés; how obtained.

And provided further, That in case it should be necessary, at any agencies, to have more employees than provided for in this section, the Secretary may, by written order, authorize the increase necessary; but in no case shall the amount expended at any agency exceed ten thousand dollars in any one year; and the provision of this section shall apply to the fiscal year ending June thirtieth, eighteen hundred and seventy-five.

Appropriations for Indian supplies to be so distributed as to prevent deficiencies.

SEC. 6. That hereafter, it shall be the duty of the Secretary of the Interior, and the officers charged by law with the distribution of supplies to the Indians, under appropriations made by law, to distribute them and pay them out to the Indians entitled to them, in such proper proportions as that the amount of appropriation made for the current year shall not be expended before the end of such current year, so as to prevent deficiencies;

—not to be exceeded in any year. R. S., § 3679.

And no expenditure shall be made or liability incurred on the part of the Government on account of the Indian service for any fiscal year (unless in compliance with existing law) beyond the amount of money previously appropriated for said service during such year.

Purchases of Indian supplies exceeding $1,000 not to be made without advertisement, and no credits allowed to officers without vouchers, &c. R. S., §§ 2083, 3709. 1877, March 3, ch. 101.

SEC. 7. That hereafter, no purchase of goods, supplies, or farming implements, or any other article whatsoever, the cost of which shall exceed one thousand dollars, shall be paid for from the money appropriated by this act, unless the same shall have been previously advertised and contracted for as heretofore provided by law; and no payment of any part of the money appropriated by this act, or heretofore appropriated, for the expenses of the Indian Department, shall be credited to any Government officer until the proper vouchers therefor shall first have been submitted to, examined, and authorized by the accounting officers of the Treasury.

Copies of contracts for Indian service to be furnished Second Auditor.

And provided further, That copies of all contracts made by the Commissioner of Indian Affairs, or any other officer of the Government, for the Indian service, shall be furnished to the Second Auditor of the Treasury before any payment shall be made thereon.

Secretary of Interior to print and lay before Congress annually a statement of items of expenditure of Indian appropriations, statement of salaries, &c. R. S., § 445.

SEC. 8. That hereafter, the Secretary of the Interior cause to be prepared and delivered to the Public Printer, on or before the first day of November in each year, a tabular statement of the items paid out up to that date of the appropriations made for the Indian Department for the fiscal year previously ending, each item being placed under the appropriation from which it was paid, in such manner as to show the disposition made of each appropriation and the amount unexpended of each; also an itemized statement of the salaries and incidental expenses paid at each agency for the said year, and the appropriations out of which paid, and the number of Indians at each agency; and that the same be laid before Congress on the first day of the succeeding session;

Commissioner of Indian Affairs to report to Congress on first day of session. R. S., §§ 468, 469.

And that the report of the Commissioner of Indian Affairs, with the reports of agents, be printed and laid before Congress on the first day of the said session.

Bidders on account of Indian service in amounts exceeding $5,000 to accompany bids with certified checks, &c. R. S., § 3709.

SEC. 9. That hereafter all bidders under any advertisement published by the Commissioner of Indian Affairs for proposals for goods, supplies, transportation, and so forth, for and on account of the Indian service, whenever the value of the goods, supplies, and so forth, to be furnished, or the transportation to be performed, shall exceed the sum of five thousand dollars, shall accompany their bids with a certified check, or draft payable to the order of the Commissioner of Indian Affairs, upon some

1874, June 22, ch. 389, § 6.

United States depository or some one of such solvent national banks as the Secretary of the Interior may designate, which check or draft shall be five per centum on the amount of the goods, supplies, transportation, and so forth, as aforesaid;

And in case any such bidder, on being awarded a contract, shall fail to execute the same with good and sufficient sureties according to the terms on which such bid was made and accepted, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury of the United States;

But if such contract shall be duly executed, as aforesaid, such draft or check so deposited shall be returned to the bidder.

Sureties on Indian agents' bond to file statement of property. R. S., § 2057.

SEC. 10. That hereafter the security or securities, upon the bond required by the act of February twenty-seventh, eighteen hundred and fifty-one, (1) to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and that no money appropriated by this act shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement.

Indian agents to keep book of expenditures, &c., and forward transcripts to Commissioner. R. S., § 2058.

Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs:

—punishment for failing to keep books, &c.

Provided, That should any agent knowingly make any false entry in said books, or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under this act. * * *

[*March* 3, 1875.]

NOTE.—(1) The provision of the act of 1851, Feb. 27, ch. 14, § 6 (9 Stat. L, 587), is incorporated into § 2057 of the Revised Statutes.

CHAPTER 133.

March 3, 1875.

18 Stat. L., 452.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

SECTION
1. *Par.* 1. Actual traveling expenses only to officers and employés, except marshals, district attorneys, and clerks of courts.
Par. 2. Land-grant railroads not to be paid for transportation of property, troops, officers, &c., of United States.
— may bring suits in Court of Claims, &c.

SECTION
1. *Par.* 2. Certain land-grant railroads exempt from these provisions.
1. *Par.* 3. Money not to be expended at armories in perfecting inventions by Army officers.
2. Secretary of War, in contracts for public improvement, to give preference to domestic materials, and all labor thereon to be performed in United States.

Be it enacted, &c.

[SECTION 1.] * * *

Actual traveling expenses only to officers and employés, except marshals, district

[*Par.* 1.] That hereafter only actual travelling-expenses shall be allowed to any person holding employment or appointment under the United States, except marshals, district attorneys, and clerks of the courts of the United States and their deputies; and all allowances for

mileages and transportation in excess of the amount actually paid, except as above excepted, are hereby declared illegal; and no credit shall be allowed to any of the disbursing-officers of the United States for payment or allowances in violation of this provision.

attorneys, and clerks of courts.
R. S., §§ 74, 1273, 1289, 1290, 1566, 3157.
1874, June 16, ch. 285. 1875, Feb. 20, ch. 95, § 7. 1876, June 30, ch. 159.

* * * * * * *

[*Par.* 2.] That no money shall hereafter be paid to any railroad company for the transportation of any property or troops of the United States over any railroad which in whole or in part was constructed by the aid of a grant of public land on the condition that such railroad should be a public highway for the use of the Government of the United States free from toll or other charge, or upon any other conditions for the use of such road, for such transportation; nor shall any allowance be made for the transportation of officers of the Army over any such road when on duty and under orders as military officers of the United States.

Land-grant railroads not to be paid for transportation of property, troops, officers, &c., of United States.

But nothing herein contained shall be construed as preventing any such railroad from bringing a suit in the Court of Claims for the charges for such transportation, and recovering for the same if found entitled thereto by virtue of the laws in force prior to the passage of this act; provided that the claim for such charges shall not have been barred by the statute of limitations at the time of bringing the suit, and either party shall have the right of appeal to the Supreme Court of the United States;

—may bring suits therefor in Court of Claims, with right of appeal.
R. S., §§ 707, 708, 1059.
15 C. Cls., 126, 428.
16 Opin. Att'y-Gen., 605.

And provided further, That the foregoing provision shall not apply for the current fiscal year, nor thereafter, to roads where the sole condition of transportation is that the company shall not charge the Government higher rates than they do individuals for like transportation, and when the Quartermaster-General shall be satisfied that this condition has been faithfully complied with.

—certain roads exempt from these provisions.

* * * * * * *

[*Par.* 3.] That hereafter no money shall be expended at said [national] armories in the perfection of patentable inventions in the manufacture of arms by officers of the Army otherwise compensated for their services to the United States.

Money not to be expended at armories in perfecting inventions by Army officers.
R. S., §§ 1662–1673.

SEC. 2. That in all contracts for material for any public improvement, the Secretary of War shall give preference to American material; and all labor thereon shall be performed within the jurisdiction of the United States.

Secretary of War, in contracts for public improvements, to give preference to domestic materials, and all labor thereon to be performed in United States.
R. S., § 3717.

* * * * * * * *

[*March* 3, 1875.]

CHAPTER 135.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX.

March 3, 1875.
18 Stat. L., 467.

Military Academy, vacancies in, may be filled by President.
—assistant instructors of tactics to receive pay of assistant professors.
At Military Academy, books to be sold to cadets at cost.

Be it enacted, &c.

* * * * * * *

That the President of the United States be authorized to fill any vacancy occurring at said academy by reason of death, or other cause, of any person appointed by him.

Military Academy, vacancies in, may be filled by President.
R. S., §§ 1309–1341.

—assistant instructors of tactics to receive pay of assistant professors. R. S., § 1337.

That the assistant instructors of tactics commanding cadet companies at West Point shall receive the same pay and allowances as assistant professors in the other branches of study.

* * * * * * *

—books to be sold to cadets at cost. R. S., §§ 1309–1341.

For * * * text-books, books of reference, * * * printing and binding text-books prepared for the special instruction of the cadets. * * *

Provided, That said books shall be sold to the cadets at cost price and the amount received therefor shall be covered into the Treasury; * * * [*March* 3, 1873.]

CHAPTER 136.

March 3, 1875.
18 Stat. L., 469.

AN ACT RESTRICTING THE REFUNDING OF CUSTOM DUTIES AND PRESCRIBING CERTAIN REGULATIONS OF THE TREASURY DEPARTMENT

SECTION
1. Secretary of Treasury restricted in power to refund customs duties paid.
— except in case of error in fact.
— and except in case of personal effects, &c., not dutiable.
— and cases of excess of deposit on estimated duties.
2. — decision of, as to customs duties, not to be reversed or modified adversely to United States except, &c.

SECTION
2. Secretary may decline to acquiesce in decisions of inferior courts in any case, &c.
3. — to make regulations under this act.
4. — to report to Congress annually statement of money refunded under revenue laws.
— may require Attorney-General to appeal any case.

Be it enacted, &c.

Secretary of Treasury restricted in power to refund customs duties paid. R. S., §§ 2984, 3012½, 3013, 5292. 15 Opin. Att'y-Gen., 127.

[SECTION 1], That no moneys collected as duties on imports, in accordance with any decision, ruling, or direction previously made or given by the Secretary of the Treasury, shall, except as hereinafter provided, be refunded or repaid, unless in accordance with the judgment of a circuit or district court of the United States giving construction to the law, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States; or unless in pursuance of a special appropriation for the particular refund or repayment to be made:

—except in cases of error of facts.

Provided, That whenever the Secretary shall be of opinion that such duties have been assessed and collected under an erroneous view of the facts in the case, he may authorize a re-examination and reliquidation in such case, and make such refund in accordance with existing laws as the facts so ascertained shall, in his opinion, justify; but no such reliquidation shall be allowed unless protest and appeal shall have been made as required by law:

—and except in case of personal effects, &c., not dutiable.

Provided further, That the restrictive provisions of this act shall not apply to such personal and household effects and other articles, not merchandise, as are by law exempt from duty:

—and cases of excess of deposits on estimated duties. R. S., § 3012½.

And provided also, That this act shall not affect the refund of excess of deposits based on estimated duties nor prevent the correction of errors in liquidation, whether for or against the Government, arising solely upon errors of fact discovered within one year from the date of payment, and, when in favor of the Government, brought to the notice of the collector within ten days from the date of discovery.

—decisions of, as to customs duties, not to be reversed, or modified adversely to United States, except, &c. R. S., §§ 249, 2652, 5293.

SEC. 2. That no ruling or decision once made by the Secretary of the Treasury, giving construction to any law imposing customs duties, shall be reversed or modified adversely to the United States, by the same or a succeeding Secretary, except in concurrence with an opinion of the Attorney-General recommending the same, or a judicial decision of a circuit or district court of the United States conflicting with such ruling or decision, and from which the Attorney-General shall certify that no appeal or writ of error will be taken by the United States:

—may decline to acquiesce in decision of inferior courts in any case, &c. 16 Opin. Att'y-Gen., 20, 94.

Provided, That the Secretary of the Treasury may in his discretion, decline to acquiesce in the judgment, decision, or ruling of an inferior court upon any question affecting the interests of the United States, when, in his opinion, such interests require a final adjudication of such question by the court of last resort.

SEC. 3. That the Secretary of the Treasury shall have power to make such regulations, not inconsistent with law, as may be necessary to carry this act into effect.

Secretary of Treasury to make regulations under this act.
R. S., § 249.

SEC. 4. That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made:

—to report to Congress annually statement of money refunded under revenue laws, &c.
R. S., §§ 257–262.

Provided, That in all cases where the Secretary of the Treasury shall so request the Attorney-General shall take an appeal to the Supreme Court. [*March* 3, 1875.]

—may require Attorney-General to appeal any case.

CHAPTER 137.

AN ACT TO DETERMINE THE JURISDICTION OF CIRCUIT COURTS OF THE UNITED STATES, AND TO REGULATE THE REMOVAL OF CAUSES FROM STATE COURTS, AND FOR OTHER PURPOSES.

March 3, 1875.
18 Stat. L., 470.

SECTION

1. Circuit courts; concurrent jurisdiction with State courts in civil cases.
—jurisdiction of, in cases of crimes.
Persons not to be arrested in one district for trial in another.
Suits in circuit and district courts to be brought only in district where defendant resides or is found, except, &c.
—not to be maintained by assignee of original parties who could not have brought same, except, &c.
Appelate jurisdiction of circuit courts.
2. Suits removable from State courts to circuit courts.
—where the controversy is wholly between citizens of different States.
3. Petition, bond, and proceedings for removal of suits from State to Federal courts.
Suits concerning real estate claimed under grants between citizens of same State, how removed from State to Federal courts.
—no other title to be pleaded.
Issues of fact in circuit court to be tried by jury, except in equity, admiralty, and maritime cases.
4. In cases removed from State courts, previous attachments, bonds, securities, orders, &c., to remain valid.
5. Suits improperly brought in or removed to circuit court may be dismissed or remanded.
—subject to review by Supreme Court.
6. In suits removed to circuit courts proceedings to be as in other cases.
7. —time for filing copy of record and appearance in.
—refusal of clerk of State court to furnish copies, how punished.
—court may issue mandamus to compel return of record, &c., or may make orders as to production of copy, &c.
8. Absent defendants in suits in circuit courts, to enforce liens; remove incumbrances or cloud on title to property, how served with process, &c.
—adjudication against, to affect only property.
—such suits may be brought in either district within which part of property is.
—not personally notified may appear within year after judgment and have same set aside, &c.
9. Death of party to final judgment in circuit court before time for appeal or writ of error expires; proceedings.
10. Repeal.

Be it enacted, &c.

[SECTION 1], That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects;

Circuit courts; concurrent jurisdiction with State courts in civil cases.
R. S., § 629.
101 U. S., 297.
13 Blatch., 388, 470.
4 Dillon, 239.

And shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable therein.

—jurisdiction of, in cases of crimes.
R. S., §§ 563, 711.

But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court.

Persons not to be arrested in one district for trial in another. R. S., § 739.

And no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at

Suits in circuit and district courts to be brought only

in district where defendant resides or is found, except, &c. R. S., §§ 740–745. 3 Hughes, 249.

the time of serving such process or commencing such proceeding, except as hereinafter provided;

Suits not to be maintained by assignee of original parties who could not have brought same, except, &c. R. S., § 629, par. 1. 13 Blatch., 435; 17 *Ib.*, 19; 7 Bissell, 354, 360.

Nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of promissory notes negotiable by the law merchant and bills of exchange.

Appellate jurisdiction of circuit courts.

And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions prescribed by law;

Suits removable from State courts to circuit courts. R. S., §§ 639–643; 94 U. S., 4, 650; 96 *Ib.*, 199; 98 *Ib.*, 403; 99 *Ib.*, 80, 147; 100 *Ib.*, 457; 101 *Ib.*, 289, 610; 7 Bissell, 103, 449, 497; 3 Dill., 284; 4 *Ib.*, 242, 260, 264, 277, 425, 474; 5 *Ib.*, 223, 489; 63 Ala., 349; 3 Sawyer, 553; 4 *Ib.*, 178; 5 *Ib.*, 494; 3 Woods, 56, 222, 273, 277, 397, 413, 487, 620, 683, 715; 13 Blatch., 170, 395; 14 *Ib.*, 214, 449, 451, 496; 15 *Ib.*, 405, 433; 16 *Ib.*, 48, 150, 182, 233, 309, 319; 17 *Ib.*, 342, 363, 369, 370, 452, 511; 13 N. Y. Supreme, 197; 16 *Ib.*, 397 (reversed 74 N. Y., 53); 17 *Ib.*, 383; 18 *Ib.*, 370, 462; 20 *Ib.*, 332, and 76 N. Y., 207; 27 N. Y. Supreme, 239; 52 N. Y., 96; 64 *Ib.*, 449; 65 *Ib.*, 195; 67 *Ib.*, 544; 64 Ind., 360; 25 Minn., 534; 30 La. Ann., 1, 471, 1305; 31 *Ib.*, 41, 363; 35 Mich., 146; 122 Mass., 431; 102 U. S. 135.

SEC. 2. That any suit of a civil nature, at law or in equity, now pending or hereafter brought in any State court where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which the United States shall be plaintiff or petitioner, or in which there shall be a controversy between citizens of different States, or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between citizens of a State and foreign States, citizens, or subjects, either party may remove said suit into the circuit court of the United States for the proper district.

—where the controversy is wholly between citizens of different States.

And when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the plaintiffs or defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district.

Petitions, bonds, and proceedings for removal of suits from State to Federal courts. 100 U. S., 457; 13 Blatch., 170, 218, 231, 267; 14 *Ib.*, 269; 15 *Ib.*, 403; 7 Bissell, 103; 4 Dillon, 559, 563, 566; 2 Wood, 117; 3 Hughes, 234, 449, 452; 122 Mass., 431; 28 N. J. Equity, 117; 17 Blatch., 363, 522.

SEC. 3. That whenever either party, or any one or more of the plaintiffs or defendants entitled to remove any suit mentioned in the next preceding section shall desire to remove such suit from a State court to the circuit court of the United States, he or they may make and file a petition in such suit in such State court before or at the term at which said cause could be first tried and before the trial thereof for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court, if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for there appearing and entering special bail in such suit, if special bail was originally requisite therein, it shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been originally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court;

Suits concerning real estate claimed under State grants between citizens of same State, how removed from State to Federal courts. R. S., § 647.

And if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit, if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and pro-

duce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district;

No other title to be pleaded.

And any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim,

Issues of fact in circuit court to be tried by jury, except in equity, admiralty, and maritime cases. R. S., §§ 648, 649. 100 U. S., 208.

And the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

In cases removed from State courts, previous attachments, bonds, security, orders, &c., to remain valid. R. S., § 646. 13 Blatch., 227. 7 Bissell, 245.

SEC. 4. That when any suit shall be removed from a State court to a circuit court of the United States, any attachment or sequestration of the goods or estate of the defendant had in such suit in the State court shall hold the goods or estate so attached or sequestered to answer the final judgment or decree in the same manner as by law they would have been held to answer final judgment or decree had it been rendered by the court in which such suit was commenced;

And all bonds, undertakings, or security given by either party in such suit prior to its removal shall remain valid and effectual, notwithstanding said removal;

And all injunctions, orders, and other proceedings had in such suit prior to its removal shall remain in full force and effect until dissolved or modified by the court to which such suit shall be removed.

Suits improperly brought in or removed to circuit court may be dismissed or remanded. 94 U. S., 4. 101 U. S., 184. 13 Blatch., 231. 3 Hughes, 452.

SEC. 5. That if, in any suit commenced in a circuit court, or removed from a State court to a circuit court of the United States, it shall appear to the satisfaction of said circuit court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said circuit court, or that the parties to said suit have been improperly or collusively made or joined, either as plaintiffs or defendants, for the purpose of creating a case cognizable or removable under this act, the said circuit court shall proceed no further therein, but shall dismiss the suit or remand it to the court from which it was removed, as justice may require, and shall make such order as to costs as shall be just;

—subject to review by Supreme Court. R. S., §§ 690–701.

But the order of said circuit court dismissing or remanding said cause to the State court shall be reviewable by the Supreme court on writ of error or appeal, as the case may be.

In suits removed to circuit court, proceedings to be as in other cases. 13 Blatch., 227. 15 Blatch., 403. 3 Hughes, 449.

SEC. 6. That the circuit court of the United States shall, in all suits removed under the provisions of this act, proceed therein as if the suit had been originally commenced in said circuit court, and the same proceedings had been taken in such suit in said circuit court as shall have been had therein in said State court prior to its removal.

—time for filing copy of record and appearance in. 3 Hughes, 452.

SEC. 7. That in all causes removable under this act, if the term of the circuit court to which the same is removable, then next to be holden, shall commence within twenty days after filing the petition and bond in the State court for its removal, then he or they who apply to remove the same shall have twenty days from such application to file said copy of record in said circuit court and enter appearance therein; and if done within said twenty days, such filing and appearance shall be taken to satisfy the said bond in that behalf;

—refusal of clerk of State court to

That if the clerk of the State court in which any such cause shall be pending, shall refuse to any one or more of the parties or persons ap-

furnish copies, how punished. R. S., 645.

plying to remove the same, a copy of the record therein, after tender of legal fees for such copy, said clerk so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof in the circuit court of the United States to which said action, or proceeding was removed, shall be punished by imprisonment not more than one year, or by fine not exceeding one thousand dollars, or both in the discretion of the court.

—court may issue mandamus to compel return of record, &c., or may make order as to production of copy, &c.

And the circuit court to which any cause, shall be removable under this act shall have power to issue a writ of certiorari to said State court commanding said State court to make return of the record in any such cause removed as aforesaid, or in which any one or more of the plaintiffs or defendants have complied with the provisions of this act for the removal of the same, and enforce said writ according to law;

And if it shall be impossible for the parties or persons removing any cause under this act, or complying with the provisions for the removal thereof, to obtain such copy, for the reason that the clerk of said State court refuses to furnish a copy, on payment of legal fees, or for any other reason, the circuit court shall make an order requiring the prosecutor in any such action or proceeding to enforce forfeiture or recover penalty as aforesaid, to file a copy of the paper or proceeding by which the same was commenced, within such time as the court may determine; and in default thereof the court shall dismiss the said action or proceeding;

But if said order shall be complied with, then said circuit court shall require the other party to plead, and said action, or proceeding shall proceed to final judgment; and the said circuit court may make an order requiring the parties thereto to plead de novo; and the bond given, conditioned as aforesaid, shall be discharged so far as it requires copy of the record to be filed as aforesaid.

Absent defendants in suits in circuit courts to enforce liens, remove incumbrances or cloud on title to property, how served with process, &c. R. S., §§ 737, 738.

SEC. 8. That when in any suit, commenced in any circuit court of the United States, to enforce any legal or equitable lien upon, or claim to, or to remove any incumbrance or lien or cloud upon the title to real or personal property within the district where such suit is brought, one or more of the defendants therein shall not be an inhabitant of, or found within, the said district, or shall not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant or defendants to appear, plead, answer, or demur, by a day certain to be designated, which order shall be served on such absent defendant or defendants, if practicable, wherever found, and also upon the person or persons in possession or charge of said property, if any there be;

Or where such personal service upon such absent defendant or defendants is not practicable, such order shall be published in such manner as the court may direct, not less than once a week for six consecutive weeks;

And in case such absent defendant shall not appear, plead, answer, or demur within the time so limited, or within some further time, to be allowed by the court, in its discretion, and upon proof of the service or publication of said order, and of the performance of the directions contained in the same, it shall be lawful for the court to entertain jurisdiction, and proceed to the hearing and adjudication of such suit in the same manner as if such absent defendant had been served with process within the said district;

—adjudication against, to affect only property.

But said adjudication shall, as regards said absent defendant or defendants without appearance, affect only the property which shall have been the subject of the suit and under the jurisdiction of the court therein, within such district,

—such suits may be brought in either district within which part of property is. R. S., §§ 740–742.

And when a part of the said real or personal property against which such proceeding shall be taken shall be within another district, but within the same State, said suit may be brought in either district in said State:

—not personally notified, may appear within year after judgment and have same set aside, &c.

Provided, however, That any defendant or defendants not actually personally notified as above provided may, at any time within one year after final judgment in any suit mentioned in this section, enter his appearance in said suit in said circuit court, and thereupon the said court

shall make an order setting aside the judgment therein, and permitting said defendant or defendants to plead therein on payment by him or them of such costs as the court shall deem just; and thereupon said suit shall be proceeded with to final judgment according to law.

Death of party to final judgment in circuit court before time for appeal or writ of error expired; proceedings. R. S., §§ 955, 956.

SEC. 9. That whenever either party to a final judgment or decree which has been or shall be rendered in any circuit court has died or shall die before the time allowed for taking an appeal or bringing a writ of error has expired, it shall not be necessary to revive the suit by any formal proceedings aforesaid.

The representative of such deceased party may file in the office of the clerk of such circuit court a duly certified copy of his appointment and thereupon may enter an appeal or bring writ of error as the party he represents might have done.

If the party in whose favor such judgment or decree is rendered has died before appeal taken or writ of error brought, notice to his representatives shall be given from the Supreme court, as provided in case of the death of a party after appeal taken or writ of error brought.

Repeal.

SEC. 10. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed. [*March* 3, 1875.]

CHAPTER 138.

AN ACT RELATING TO THE PUNISHMENT OF THE CRIME OF MANSLAUGHTER.

March 3, 1875.
18 Stat. L., 473.

SECTION
1. Manslaughter; how punished.
2. Repeal.

Be it enacted, &c.

Manslaughter; how punished. R. S., § 5343.

[SECTION 1], That whoever shall hereafter be convicted of the crime of manslaughter, in any court of the United States, in any State or Territory, including the District of Columbia, shall be imprisoned not exceeding ten years, and fined not exceeding one thousand dollars:

Provided, That this act shall not affect or apply to any prosecution now pending, or the prosecution of any offence already committed.

Repeal. R. S., § 5343.

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed:

Provided, That said acts shall remain in force for the punishment of all persons who have heretofore committed the crime of manslaughter. [*March* 3, 1875.]

CHAPTER 139.

AN ACT TO ENABLE THE PEOPLE OF COLORADO TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF THE SAID STATE INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES.

March 3, 1875.
18 Stat. L., 474.

SECTION
1. Colorado to form State government for admission into the Union.
2. — boundaries of.
3. — voters of, at election of representatives to convention, &c.
Apportionment of representatives.
Election of representatives.
4. Meeting of convention to form constitution.
Constitution to be republican in form, with no distinction on account of race, color, &c.
Religious toleration.
Disclaimer of unappropriated lands; provisions as to taxes.
5. Constitution to be submitted to popular vote.
Voting and returns.
6. Representative in Congress.
7. School lands.
8. Lands for public buildings.
9. Penitentiary.
10. State university.
11. Salt springs.
12. Five per cent. of sales of public lands for internal improvements.
13. Unexpended balances of appropriations.
14. School funds.
15. Mineral lands.

Be it enacted, &c.

Colorado to form State government for admission into the Union.

[SECTION 1], That the inhabitants of the Territory of Colorado included in the boundaries hereinafter designated be, and they are hereby, authorized to form for themselves, out of said Territory, a State government,

1876, June 26, ch. 147. 4 Dillon, 251.

with the name of the State of Colorado; which State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.(1)

Colorado, boundaries of.

SEC. 2. That the said State of Colorado shall consist of all the territory included within the following boundaries, to wit: Commencing on the thirty-seventh parallel of north latitude where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north, on said meridian, to the forty-first parallel of north latitude; thence along said parallel west to the thirty-second meridian of longitude west from Washington; thence south on said meridian, to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel of north latitude, to the place of beginning.

—voters of, at election of representatives to convention, &c. 1876, March 3, ch. 17, § 1.

SEC. 3. That all persons qualified by law to vote for representatives to the general assembly of said Territory, at the date of the passage of this act, shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention under such rules and regulations as the governor of said Territory, the chief justice, and the United States attorney thereof may prescribe; and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention, under such rules and regulations as said convention may prescribe;

Apportionment of representatives.

And the aforesaid representatives to form the aforesaid convention shall be apportioned among the several counties in said Territory in proportion to the vote polled in each of said counties at the last general election as near as may be; and said apportionment shall be made for said Territory by the governor, United States district attorney, and chief justice thereof, or any two of them;

Election of representatives.

And the governor of said Territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the Territory at such time as shall be fixed by the governor, chief justice, and United States attorney, or any two of them, which proclamation shall be issued within ninety days next after the first day of September, eighteen hundred and seventy-five, and at least thirty days prior to the time of said election; and such election shall be conducted in the same manner as is prescribed by the laws of said Territory regulating elections therein for members of the house of representatives; and the number of members to said convention shall be the same as now constitutes both branches of the legislature of the aforesaid Territory.

Meeting of convention to form State constitution.

SEC. 4. That the members of the convention thus elected shall meet at the capital of said Territory, on a day to be fixed by said governor, chief justice, and United States attorney, not more than sixty days subsequent to the day of election, which time of meeting shall be contained in the aforesaid proclamation mentioned in the third section of this act, and, after organization, shall declare, on behalf of the people of said Territory, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said Territory:

Constitution to be republican, with no distinction on account of race, color, &c.

Provided, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence:

Religious toleration.

And provided further, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship;

Disclaimer of unappropriated public lands; provisions as to taxes.

Secondly, that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory, and that the same shall be

NOTE.—(1) The President issued his proclamation Aug. 1, 1876, hereinafter printed (1876, No. 6, p. —), declaring the admission of Colorado as a State into the Union as complete.

and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

Colorado: constitution to be submitted to popular vote.

SEC. 5. That in case the constitution and State government shall be formed for the people of said Territory of Colorado, in compliance with the provisions of this act, said convention forming the same shall provide, by ordinance, for submitting said constitution to the people of said State for their ratification or rejection, at an election, to be held at such time, in the month of July, eighteen hundred and seventy-six, and at such places and under such regulations as may be prescribed by said convention, at which election the lawful voters of said new State shall vote directly for or against the proposed constitution;

Voting and returns.

And the returns of said election shall be made to the acting governor of the Territory, who, with the chief justice and United States attorney of said Territory, or any two of them, shall canvass the same; and if a majority of legal votes shall be cast for said constitution in said proposed State, the said acting governor shall certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it shall be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

Representative in Congress.

SEC. 6. That until the next general census said State shall be entitled to one Representative in the House of Representatives of the United States, which Representative, together with the governor and State and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, and to be fixed by said constitutional convention; and until said State officers are elected and qualified under the provisions of the constitution, the territorial officers shall continue to discharge the duties of their respective offices.

School lands. R. S., § 2449.

SEC. 7. That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of Congress, other lands, equivalent thereto, in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said State for the support of common schools.

Land for public buildings. R. S., § 2449.

SEC. 8. That, provided the State of Colorado shall be admitted into the Union in accordance with the foregoing provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by direction of the legislature thereof, and with the approval of the President, on or before the first day of January, eighteen hundred and seventy-eight, shall be, and are hereby, granted, in legal subdivisions of not less than one quarter-section, to said State for the purpose of erecting public buildings at the capital of said State for legislative and judicial purposes, in such manner as the legislature shall prescribe.

Penitentiary. R. S., § 2449.

SEC. 9. That fifty other entire sections of land as aforesaid, to be selected and located and with the approval as aforesaid, in legal subdivisions as aforesaid, shall be, and they are hereby, granted to said State for the purpose of erecting a suitable building for a penitentiary or State prison in the manner aforesaid.

State university. R. S., § 2449.

SEC. 10. That seventy-two other sections of land shall be set apart and reserved for the use and support of a State university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the legislature of said State may prescribe for the purpose named and for no other purpose.

Salt-springs. R. S., § 2318.

SEC. 11. That all salt-springs within said State, not exceeding twelve in number, with six sections of land adjoining, and as contiguous as may be to each, shall be granted to said State for its use, the said land

to be selected by the governor of said State within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulations as the legislature shall direct:

Provided, That no salt-spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

Colorado: five per cent. of sales of public lands for internal improvements.

SEC. 12. That five per centum of the proceeds of the sales of agricultural public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State for the purpose of making such internal improvements within said State as the legislature thereof may direct: *Provided*, That this section shall not apply to any lands disposed of under the homestead laws of the United States, or to any lands now or hereafter reserved for public or other uses.

Unexpended balances of appropriations. 1876, March 3, ch. 17, § 2.

SEC. 13. That any balance of the appropriations for the legislative expenses of said Territory of Colorado remaining unexpended shall be applied to and used for defraying the expenses of said convention, and for the payment of the members thereof, under the same rules and regulations and rates as are now provided by law for the payment of the territorial legislature.

School-fund.

SEC. 14. That the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school-fund, the interest of which to be expended in the support of common schools.

Mineral lands. R. S., § 2318.

SEC. 15. That all mineral-lands shall be excepted from the operation and grants of this act. [*March* 3, 1875.]

CHAPTER 140.

March 3, 1875.

18 Stat. L., 476.

AN ACT TO ESTABLISH THE BOUNDARY-LINE BETWEEN THE STATE OF ARKANSAS AND THE INDIAN COUNTRY.

SECTION
1. Boundary between Arkansas and Indian country established.
2. Boundary to be retraced and marked.

Be it enacted, &c.

Boundary between Arkansas and Indian country established.

[SECTION 1], That the boundary-line between the State of Arkansas and the Indian country, as originally surveyed and marked, and upon which the lines of the surveys of the public lands in the State of Arkansas were closed, be, and the same is hereby, declared to be the permanent boundary-line between the said State of Arkansas and the Indian country.

—to be retraced and marked.

SEC. 2. That the Secretary of the Interior shall, as soon as practicable, cause the boundary-line, as fixed in the foregoing section, to be retraced and marked in a distinct and permanent manner; and if the original line, when retraced, shall be found to differ in any respect from what the boundary-line would be if run in accordance with the provisions of the treaties establishing the eastern boundary-line of the Choctaw and Cherokee Nations, then the surveyors shall note such variations and compute the area of the land which in that case would be taken from the State of Arkansas or the Indian country, as the case may be; and the Secretary of the Interior shall also cause any monuments set up in any former survey indicating any line at variance with the survey provided for in this act to be obliterated. [*March* 3, 1875.]

CHAPTER 141.

AN ACT SUPPLEMENTARY TO THE ACTS IN RELATION TO IMMIGRATION.

March 3, 1875.

18 Stat. L., 477.

SECTION
1. Consular officers in certifying to voluntary emigration from China and Japan to ascertain whether immigrants have contracted to serve for immoral purposes.
2. Transportation of subjects of China or Japan, &c., without free consent; how punished. Contracts for term of service void.
3. Importation of women for purposes of prostitution; penalty.
4. Contracting to supply labor of cooly in violation of law; how punished.
5. Immigration of convicts and of women for prostitution forbidden.
Vessels to be inspected when obnoxious immigrants believed to be on board, &c.
Aliens of forbidden classes not to land, except, &c.
— may appeal from inspectors, &c.
— if inspection sustained, persons to be returned to vessel, unless, &c.
— to be sent back in certain cases.
Forfeiture of vessel for violation of act.

Be it enacted, &c.

Consular officers, in certifying to voluntary emigration from China and Japan, to ascertain whether emigrants have contracted to serve for immoral purposes. R. S., § 2162.

[SECTION 1], That in determining whether the immigration of any subject of China, Japan, or any Oriental country, to the United States, is free and voluntary, as provided by section two thousand one hundred and sixty-two of the Revised Code, title "Immigration," it shall be the duty of the consul-general or consul of the United States residing at the port from which it is proposed to convey such subjects, in any vessels enrolled or licensed in the United States, or any port within the same, before delivering to the masters of any such vessels the permit or certificate provided for in such section, to ascertain whether such immigrant has entered into a contract or agreement for a term of service within the United States, for lewd and immoral purposes; and if there be such contract or agreement, the said consul-general or consul shall not deliver the required permit or certificate.

Transportation of subjects of China or Japan, &c., without free consent; how punished. R. S., § 2161.

SEC. 2. That if any citizen of the United States, or other person amenable to the laws of the United States, shall take, or cause to be taken or transported, to or from the United States any subject of China, Japan, or any Oriental country, without their free and voluntary consent, for the purpose of holding them to a term of service, such citizen or other person shall be liable to be indicted therefor, and, on conviction of such offense, shall be punished by a fine not exceeding two thousand dollars and be imprisoned not exceeding one year;

Contracts for term of service void.

And all contracts and agreements for a term of service of such persons in the United States, whether made in advance or in pursuance of such illegal importation, and whether such importation shall have been in American or other vessels, are hereby declared void.

Importation of women for purposes of prostitution; penalty.

SEC. 3. That the importation into the United States of women for the purposes of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any woman to such purposes, in pursuance of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars.

Contracting to supply labor of cooly in violation of law; how punished. R. S., §§ 2158–2164.

SEC. 4. That if any person shall knowingly and willfully contract, or attempt to contract, in advance or in pursuance of such illegal importation, to supply to another the labor of any cooly or other person brought into the United States in violation of section two thousand one hundred and fifty-eight of the Revised Statutes, or of any other section of the laws prohibiting the cooly-trade or of this act, such person shall be deemed guilty of a felony, and, upon conviction thereof, in any United States court, shall be fined in a sum not exceeding five hundred dollars and imprisoned for a term not exceeding one year.

Immigration of convicts, and of women for prostitution, forbidden.

SEC. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses,

or whose sentence has been remitted on condition of their emigration, and women "imported for the purposes of prostitution."

Vessels to be inspected when obnoxious immigrants believed to be on board, &c. R. S., § 4272.

Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden.

When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided;

Aliens of forbidden classes not to land, except, &c.

And at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section, be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law.

— may appeal from inspectors, &c.

If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector (1)

— if inspection sustained, persons to be returned to vessel, unless, &c.

shall be found to be in accordance with this section and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred

— to be sent back by collector in certain cases.

dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof, to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival, and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months.

Forfeiture of vessel for violations of act.

And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed, shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law. [*March* 3, 1875.]

NOTE.—(1) This word is so written on the roll.

CHAPTER 142.

March 3, 1875.

AN ACT TO REDUCE AND FIX THE ADJUTANT GENERAL'S DEPARTMENT OF THE ARMY.

18 Stat. L., 478.

SECTION
1. Adjutant-General's Department of Army; of what officers to consist, and their rank and pay.
2. Repeal.

Be it enacted, &c.

Adjutant-General's Department of Army; of what officers to consist, and their rank and pay. R. S., §§ 1094, 1128, 1194.

[SECTION 1], That the Adjutant General's Department of the Army shall hereafter consist of one Adjutant General, with the rank, pay, and emoluments of a brigadier general; two assistant adjutants general, with the rank, pay, and emoluments of colonels; four assistant adjutants general, with the rank, pay, and emoluments of lieutenant colonels; and ten assistant adjutants general, with the rank, pay, and emoluments of majors.

Repeal. R. S., § 1194.

SEC. 2. That so much of section six (1) of the act entitled "An act making appropriations for the support of the Army for the year ending

NOTE.—(1) Section 6 of the act of 1860, ch. 124 (15 Stat. L., 318), forms § 1194 of the Revised Statutes.

June thirtieth, eighteen hundred and seventy, and for other purposes," approved March third, eighteen hundred and sixty-nine, as applies to the Adjutant General's Department, be, and the same is hereby, repealed. [*March* 3, 1875.]

CHAPTER 143.

AN ACT AUTHORIZING THE COINAGE OF A TWENTY CENT PIECE OF SILVER AT THE MINTS OF THE UNITED STATES.

March 3, 1875.
18 Stat. L., 478.

SECTION
1. Twenty-cent silver pieces to be coined.
2. — to be legal tender for $5.
3. — deviations from standard weight.
4. Twenty-cent pieces, existing laws applicable to.

Be it enacted, &c.

[SECTION 1], (**Rep.**) [That there shall be, from time to time, coined at the mints of the United States, conformably in all respects to the coinage act of eighteen hundred and seventy-three (1) a coin of silver of the denomination of twenty-cents and of the weight of five grams.]

Twenty-cent silver piece to be coined.
R. S., § 3513.
1876, April 17, ch. 63. 1876, April 17, Res. No. 17, p. —.

SEC. 2. (**Rep.**) [That the twenty cent piece shall be a legal tender at its nominal value for any amount not exceeding five dollars in any one payment.]

—to be legal tender for $5.
R. S., § 3586.

SEC. 3. (**Rep.**) [That in adjusting the weight of the twenty-cent piece, the deviation from the standard weight shall not exceed one and one half grains; and in weighing a large number of pieces together, when delivered by the coiner to the superintendent and by the superintendent to the depositor the deviation from the standard weight shall not exceed two hundredths of an ounce in one thousand pieces.]

—deviations from standard weight.
R. S., §§ 3514, 3516, 3536.

SEC. 4. (**Rep.**) [That all laws now in force in relation to the coins of the United States, and the coinage of the same, shall, as far as applicable, have full force and effect in relation to the coin herein authorized whether the said laws are penal or otherwise and whether they are for preventing counterfeiting or abasement, for protecting the currency, for regulating the process of coining and the preparation therefor, or for the security of the coin, or for any other purpose.] [*March* 3, 1875.]

—existing laws applicable to.
R. S., §§ 3495–3570, 3586.

NOTE.—(1) The coinage act here referred to, 1873, ch. 121 (17 Stat. L., 424), is incorporated into Revised Statutes §§ 3495–3570. This act is repealed by act of 1878, May 2, ch. 79.

CHAPTER 144.

AN ACT TO PUNISH CERTAIN LARCENIES, AND THE RECEIVERS OF STOLEN GOODS.

March 3, 1875.
18 Stat. L., 479.

SECTION
1. Embezzling, stealing, &c., public property deemed felony; how punished.
2. Receivers, concealers, &c., of stolen property, how punished.
Receivers, &c., of stolen property may be tried before or after conviction of principal.

Be it enacted, &c.

[SECTION 1], That any person who shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be deemed guilty of felony, and on conviction thereof before the district or circuit court of the United States in the district wherein said offense may have been committed, or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined, shall be punished therefor by imprisonment at hard labor in the penitentiary not exceeding five years, or by a fine not exceeding five thousand dollars, or both, at the discretion of the court before which he shall be convicted.

Embezzling, stealing, &c., public property deemed felony; how punished.
R. S., § 1342, art. 60.
R. S., § 1624, art. 14.
R. S., §§ 5439, 5453, 5475, 5477, 5483, 5488–5496, 5504.

Receivers, concealers, &c., of stolen public property; how punished.

SEC. 2. That if any person shall receive, conceal, or aid in concealing, or have, or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined from the United States by any other person, knowing the same to have been so embezzled, stolen, or purloined, such person shall, on conviction before the circuit or district court of the United States in the district wherein he may have such property, be punished by a fine not exceeding five thousand dollars, or imprisonment at hard labor in the penitentiary not exceeding five years, one or both, at the discretion of the court before which he shall be convicted;

—may be tried before or after conviction of principal.

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined [*March* 3, 1875.]

CHAPTER 145.

March 3, 1875.

18 Stat. L., 479.

AN ACT TO PROVIDE FOR DEDUCTIONS FROM THE TERMS OF SENTENCE OF UNITED STATES PRISONERS.

SECTION
1. Convicts for offenses against United States laws to have deduction from sentence for good conduct.
— unless they commit offenses during their term.
SECTION
2. Convicts to be furnished with clothes and money in certain cases.

Be it enacted, &c.

Convicts for offenses against United States laws to have deduction from sentence for good conduct in prison.

R. S., §§ 5543, 5544.

14 Blatch., 344.

[SECTION 1], That all prisoners who have been, or shall hereafter be, convicted of any offence against the laws of the United States, and confined, in execution of the judgment or sentence upon such conviction, in any prison or penitentiary of any State or Territory which has no system of commutation for its own prisoners, shall have a deduction from their several terms of sentence of five days in each and every calendar month during which no charge of misconduct shall have been sustained against each severally, who shall be discharged at the expiration of his term of sentence less the time so deducted, and a certificate of the warden or keeper of such prison penitentiary of such deduction shall be entered on the warrant of commitment:

—unless they commit offenses during their term.

Provided, That, if during the term of imprisonment the prisoner shall commit any offence for which he shall be convicted by a jury, all remissions theretofore made shall be thereby annulled.

—to be furnished with clothes and money in certain cases.

SEC. 2. That on the discharge from any prison of any person convicted under the laws of the United States on indictment, he or she shall be provided by the warden or keeper of said prison with one plain suit of clothes and five dollars in money, for which charge shall be made and allowed in the accounts of said prison with the United States:

Provided, That this section shall not apply to persons sentenced for a term of imprisonment of less than six months. [*March* 3, 1875.]

CHAPTER 146.

March 3, 1875.

18 Stat. L., 480.

AN ACT TO CHANGE THE NAME OF THE PORT OF NOBLEBORO TO DAMARISCOTTA.

Port of Nobleboro, Me., to be called Damariscotta.

Port of Nobleboro, Me., to be called Damariscotta.

R. S., § 2517, par. 8.

Be it enacted, &c., That the name of the port of Nobleboro, in the county of Lincoln, State of Maine, is hereby changed to the port of Damariscotta. [*March* 3, 1875.]

CHAPTER 147.

AN ACT AUTHORIZING THE APPOINTMENT OF GAUGERS FOR THE CUSTOMS SERVICE AT THE PORT OF PHILADELPHIA.

March 3, 1875.
18 Stat. L., 480.

Three gaugers for port of Philadelphia to be appointed; compensation, &c.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint three gaugers for the customs service at the port of Philadelphia from the list of officers now under appointment as inspectors, whose compensation shall be the same as that paid to the gaugers of the port of Boston:

Three gaugers for port of Philadelphia to be appointed; compensation, &c.
R. S., § 2544, par. 1.

Provided, That the number of officers or employees in the customs service at said port of Philadelphia shall not be hereby increased. [*March* 3, 1875.]

CHAPTER 148.

AN ACT TO TRANSFER THE COUNTY OF PERRY, IN THE STATE OF TENNESSEE, FROM THE WESTERN TO THE MIDDLE JUDICIAL DISTRICT OF THE UNITED STATES IN SAID STATE.

March 3, 1875.
18 Stat. L., 480.

SECTION
1. Perry County, Tennessee, added to middle judicial district.
SECTION
2. When act takes effect.

Be it enacted, &c.

[SECTION 1], That the county of Perry, in the western judicial district of the United States, in the State of Tennessee, be, and the same is hereby set to, and shall hereafter compose a part of the middle judicial district of the United States in said State; and all cases now commenced or depending in said western district, affected by this act, shall be heard, tried and determined in the same manner as if this act had not been passed; and the prosecution of all crimes heretofore committed in said western district shall be prosecuted and punished in the same manner as if this act had not been passed.

Perry County, Tenn., added to middle judicial district.
R. S., § 547.

SEC. 2. That this act shall take effect on the fourth Monday of May, eighteen hundred and seventy-five. [*March* 3, 1875.]

When act takes effect.

CHAPTER 149.

AN ACT TO PROVIDE FOR DEDUCTING ANY DEBT DUE THE UNITED STATES FROM ANY JUDGMENT RECOVERED AGAINST THE UNITED STATES BY SUCH DEBTOR.

March 3, 1875.
18 Stat. L., 481.

Judgments and claims against United States subject to offset of debt from creditors; proceedings in such cases.
—proceedings when claimant denies legality of set-off.
Judgments; balance, how paid when claimant obtains judgment.

Be it enacted, &c., That when any final judgment recovered against the United States or other claim duly allowed by legal authority, shall be presented to the Secretary of the Treasury for payment, and the plaintiff or claimant therein shall be indebted to the United States in any manner, whether as principal or surety, it shall be the duty of the Secretary to withhold payment of an amount of such judgment or claim equal to the debt thus due to the United States; and if such plaintiff or claimant assents to such set off, and discharges his judgment or an amount thereof equal to said debt or claim, the Secretary shall execute a discharge of the debt due from the plaintiff to the United States.

Judgments and claims against United States subject to offsets of debts from creditors; proceedings in such cases.
R. S., §§ 1065, 1089, 1766, 4734.
14 C. Cls., 484.

But if such plaintiff, or claimant, denies his indebtedness to the United States, or refuses to consent to the set-off, then the Secretary shall withhold payment of such further amount of such judgment, or

—proceedings when claimant denies legality of set-off.

claim, as in his opinion will be sufficient to cover all legal charges and costs in prosecuting the debt of the United States to final judgment.

And if such debt is not already in suit, it shall be the duty of the Secretary to cause legal proceedings to be immediately commenced to enforce the same, and to cause the same to be prosecuted to final judgment with all reasonable dispatch.

Balance, how paid when claimant obtains judgment against United States.

And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Secretary with six per cent interest, thereon for the time it has been withheld from the plaintiff. [*March 3, 1875.*]

CHAPTER 150.

March 3, 1875.
18 Stat. L., 481.

AN ACT TO MAKE EAST PASCAGOULA, IN THE STATE OF MISSISSIPPI, A PORT OF DELIVERY IN THE DISTRICT OF PEARL RIVER.

East Pascagoula, Miss., to be port of delivery.

East Pascagoula, Miss., to be port of delivery.
R. S., § 2566, par. 1.

Be it enacted, &c., That from and after the passage of this act East Pascagoula, in the State of Mississippi, in the district of Pearl River, shall be a port of delivery for said district. [*March 3, 1875.*]

CHAPTER 151.

March 3, 1875.
18 Stat. L., 481.

AN ACT TO PROTECT ORNAMENTAL AND OTHER TREES ON GOVERNMENT RESERVATIONS AND ON LANDS PURCHASED BY THE UNITED STATES, AND FOR OTHER PURPOSES.

SECTION
1. Cutting or injuring, unlawfully, trees on lands of United States; how punished.
2. Breaking fences, walls, &c., inclosing lands of United States; how punished.
3. Breaking fences and driving cattle, &c., or permitting cattle to enter on lands of United States; how punished.

SECTION
Act not to apply to lands unsurveyed, or subject to pre-emption or homestead, or to mining lands.

Be it enacted, &c.

Cutting or injuring, unlawfully, trees on lands of United States, &c.; how punished.
R. S., § 2461.

[SECTION 1], That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any land of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding five hundred dollars, or shall be imprisoned not exceeding twelve months.

Breaking fences, walls, &c., inclosing lands of United States; how punished.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in pursuance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding two hundred dollars, or be imprisoned not exceeding six months.

Breaking fences and driving cattle, &c., or permitting cattle to enter on lands of United States; how punished.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid for the purpose of destroying the grass or trees on the said grounds, or where they may

destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding twelve months:

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to pre-emption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May tenth, eighteen hundred and seventy-two. (1) [*March* 3, 1875.]

Act not to apply to lands unsurveyed, or subject to pre-emption or homestead, or to mining lands.
R. S., §§ 2257-2288, 2289-2317, 2318-2337.

NOTE.—(1) The act of 1872, ch. 152 (17 Stat. L., 91), is incorporated into Revised Statutes, §§ 2318-2337.

CHAPTER 152.

AN ACT GRANTING TO RAILROADS THE RIGHT OF WAY THROUGH THE PUBLIC LANDS OF THE UNITED STATES.

March 3, 1875.
18 Stat. L., 482.

SECTION
1. Right of way through public lands, station-grounds, &c., granted to railroads.
2. Rights of several roads through cañon, pass, or defiles, and crossing other railroads at grade.
Wagon-roads and highways; how affected.
3. Private land and possessory claims; how condemned.
4. Profile of road claiming benefits, when to be filed, and lands to be sold subject to right of way.
Section on which road not completed in five years after location, how forfeited.
5. Act not to apply to lands in reservations, &c.
6. — may be altered by Congress.

Be it enacted, &c.

[SECTION 1], That the right of way through the public lands of the United States is hereby granted to any railroad company duly organized under the laws of any State or Territory, except the District of Columbia, or by the Congress of the United States, which shall have filed with the Secretary of the Interior a copy of its articles of incorporation, and due proofs of its organization under the same, to the extent of one hundred feet on each side of the central line of said road;

Right of way through public lands, materials, station-grounds, &c., granted to railroads.
R. S., §§ 5256-5262.

Also the right to take, from the public lands adjacent to the line of said road, material, earth, stone, and timber necessary for the construction of said railroad;

Also ground adjacent to such right of way for station-buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, not to exceed in amount twenty acres for each station, to the extent of one station for each ten miles of its road.

SEC. 2. That any railroad company whose right of way, or whose track or road-bed upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of the said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade.

Rights of several roads through cañon, pass, or defile, and crossing other roads at grade.

And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation;

Wagon roads and highways; how affected.

And where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road:

Provided, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

Private lands and possessory claims; how condemned.
1862, ch. 120, (12 Stat. L., 489).
1864, ch. 216, § 3 (13 Stat. L., 357).

SEC. 3. That the legislature of the proper Territory may provide for the manner in which private lands and possessory claims on the public lands of the United States may be condemned; and where such provision shall not have been made, such condemnation may be made in accordance with section three of the act entitled (1) "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July first, eighteen hundred and sixty-two," approved July second, eighteen hundred and sixty-four.

Profile of road claiming benefits, when to be filed, and lands to be sold subject to right of way.

SEC. 4. That any railroad company desiring to secure the benefits of this act, shall, within twelve months after the location of any section of twenty miles of its road, if the same be upon surveyed lands, and, if upon unsurveyed lands, within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a profile of its road; and upon approval thereof by the Secretary of the Interior the same shall be noted upon the plats in said office; and thereafter all such lands over which such right of way shall pass shall be disposed of subject to such right of way:

Section on which road is not completed in five years after location, how forfeited.

Provided, That if any section of said road shall not be completed within five years after the location of said section, the rights herein granted shall be forfeited as to any such uncompleted section of said road.

Act not to apply to lands in reservations, &c.

SEC. 5. That this act shall not apply to any lands within the limits of any military, park, or Indian reservation, or other lands especially reserved from sale, unless such right of way shall be provided for by treaty-stipulation or by act of Congress heretofore passed.

—may be altered by Congress.

SEC. 6. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any part thereof. [*March 3, 1875.*]

NOTE.—(1) The true title of the act here referred to is "An Act to amend"—the rest as in the text.

CHAPTER 153.

March 3, 1875.
18 Stat. L., 483.

AN ACT TO AMEND SECTIONS ONE THOUSAND SIX HUNDRED AND SEVENTY-FIVE, ONE THOUSAND SIX HUNDRED AND SEVENTY-SIX, ONE THOUSAND SIX HUNDRED AND EIGHTY-ONE, AND ONE THOUSAND SIX HUNDRED AND EIGHTY-TWO OF THE REVISED STATUTES OF THE UNITED STATES. (1)

Par. 1. Compensation of ambassadors, envoys, ministers plenipotentiary.
— of ministers resident and commissioners.
— of second secretaries of legation to France, Germany, and Great Britain.
Par. 2. Compensation of agent and consul-general at Cairo.
3. — of minister resident at Uruguay, &c.
4. — of minister resident to Guatemala, Costa Rica, &c.

Be it enacted, &c.

Compensation of ambassadors, envoys, ministers plenipotentiary; substitute for.
R. S., § 1675.
1878, June 4, ch. 155.
1879, Jan. 27, ch. 28.

[*Par.* 1.] That section one thousand six hundred and seventy-five of the Revised Statutes be amended so as to read as follows: (1)

"SEC. 1675. Ambassadors and envoys extraordinary and ministers plenipotentiary shall be entitled to compensation at the rates following, per annum, namely:

"Those to France, Germany, Great Britain, and Russia, each, seventeen thousand five hundred dollars.

"Those to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, each, twelve thousand dollars.

"Those to all other countries, unless where a different compensation is prescribed by law, each, ten thousand dollars.

— of ministers resident and commissioners.
1878, June 4, ch. 155.

"And, unless when otherwise provided by law, ministers resident and commissioners shall be entitled to compensation at the rate of seventy-five per centum, chargés d'affaires at rate of fifty per centum, and secretaries of legation at the rate fifteen per centum, of the amounts allowed

NOTE.—(1) This act has been incorporated into the second edition of the Revised Statutes in the proper sections.

to ambassadors, envoys extraordinary, and ministers plenipotentiary to the said countries respectively; except that the secretary of legation to Japan shall be entitled to compensation at the rate of twenty-five hundred dollars per annum.

"The second secretaries of the legations to France, Germany, and Great Britain shall be entitled to compensation at the rate of two thousand dollars each per annum."

Compensation of second secretaries of legation. 1878, June 4, ch. 155.

[*Par.* 2.] That section one thousand six hundred and seventy-six of the said Revised Statutes be amended so as to read as follows: (1)

(**Sup.**) ["The agent and consul-general at Cairo shall be entitled to compensation at the rate of three thousand five hundred dollars per annum."]

— of consul-general at Cairo. R. S., § 1676. 1874, June 11, ch. 275. 1878, June 4, ch. 155.

[*Par.* 3.] That section one thousand six hundred and eighty-one be amended so as to read as follows:

"The minister resident to Uruguay, when also accredited to Paraguay, shall be entitled to compensation at the rate of ten thousand dollars per annum."

— of minister resident at Uruguay. R. S., § 1681. 1878, June 4, ch. 155.

[*Par.* 4.] That the following be added to section one thousand six hundred and eighty-two: (1)

"And he shall receive compensation at the rate of ten thousand dollars per annum." [*March* 3, 1875.]

— of minister resident to Guatemala, Costa Rica, &c. R. S., § 1682. 1878, June 4, ch. 155.

NOTE.—(1) This act has been incorporated into the second edition of the Revised Statutes in the proper sections.

CHAPTER 154.

AN ACT TO AMEND SECTION NUMBERED THREE THOUSAND THREE HUNDRED AND FORTY-TWO OF THE REVISED STATUTES OF THE UNITED STATES IN RELATION TO AFFIXING STAMPS ON BREWERS CASKS.

March 3, 1875.

18 Stat. L., 484.

Brewers' stamps, how procured, affixed, and canceled. | Penalty for neglect by brewers.

Be it enacted, &c., That section numbered three thousand three hundred and forty-two of the Revised Statutes be amended so as to read as follows: (1)

Brewers' stamps, how procured, affixed, and canceled. R. S., § 3342.

That every brewer shall obtain, from the collector of the district in which his brewery or brewery-warehouse is situated, and not otherwise unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix, upon the spigot-hole in the head of every hogshead, barrel, keg, or other receptacle in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit, as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, which stamp shall be destroyed by driving through the same the faucet through which the liquor is to be withdrawn, or an air-faucet of equal size, at the time the vessel is tapped, in case the vessel is tapped through the other spigot-hole, (of which there shall be but two, one in the head and one in the side,) and shall, also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled.

Penalty for neglect by brewers.

Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of one hundred dollars for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year. [*March* 3, 1875.]

NOTE.—(1) This act is incorporated in § 3342 of the second edition of the Revised Statutes.

CHAPTER 155.

March 3, 1875.
18 Stat. L., 484.

AN ACT TO AMEND SECTION FOURTEEN HUNDRED AND TWENTY-TWO OF THE REVISED STATUTES OF THE UNITED STATES RELATING TO THE BETTER GOVERNMENT OF THE NAVY. (1)

In Navy, petty-officers and men sent home at expiration of enlistment, unless detained for public interest.
— persons enlisted out of United States, how discharged, &c.
Persons sent home are subject to regulations, &c.
— how long may be detained, and extra pay therefor.
Shipping-articles to contain these sections.

In Navy, petty-officers and men to be sent home at expiration of enlistment, unless detained for public interest; substitute for.
R. S., § 1422.

Be it enacted, &c., That section fourteen hundred and twenty-two of the Revised Statutes of the United States be amended to read as follows: (1)

SEC. 1422. That it shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic or to a Pacific port of the United States, as their enlistment may have occurred on either the Atlantic or Pacific coast of the United States, in some public or other vessel, all petty-officers and persons of inferior ratings desiring to go there at the expiration of their terms of enlistment, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic or Pacific port.

— persons enlisted out of United States, how discharged, &c.

All persons enlisted without the limits of the United States may be discharged, on the expiration of their enlistment, either in a foreign port or in a port of the United States, or they may be detained as above provided beyond the term of their enlistment;

— persons sent home are subject to regulations, &c.

And that all persons sent home, or detained by a commanding officer, according to the provisions of this act, shall be subject in all respects to the laws and regulations for the government of the Navy until their return to an Atlantic or Pacific port and their regular discharge;

— how long may be detained, and extra pay therefor.

And all persons so detained by such officer, or re-entering to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port; and that all persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily re-enter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay;

Shipping-articles to contain this section.
R. S., § 1425.

Provided, That the shipping-articles shall hereafter contain the substance of this section. [*March* 3, 1875.]

NOTE.—(1) This act is incorporated into § 1422 of the second edition of the Revised Statutes.

CHAPTER 156.

March 3, 1875.
18 Stat. L., 485.

AN ACT TO PROMOTE ECONOMY AND EFFICIENCY IN THE MARINE-HOSPITAL SERVICE.

SECTION
1. Hospital dues to be collected of masters, &c., of registered, enrolled, or licensed vessels, of 40 cents for each average number of seamen required, &c.
— may be deducted from wages.
2. Vessels subject to hospital tax, except, &c., to keep seamen's time-book.
— penalty on master for neglect to keep book, &c.
3. Meaning of word "seamen," as used in marine-hospital laws.
4. Marine-hospital buildings may be leased.
5. In marine-hospital service patients may be admitted to Government Hospital for the Insane; charge therefor.
6. — sick and disabled seamen of vessels, foreign or not, subject to dues, may be admitted.
7. Salary of Supervising Surgeon.
8. Repeal.

Hospital dues to be collected of masters, &c., of registered, en-

Be it enacted, &c.

[SECTION 1], That the Secretary of the Treasury shall cause to be prepared a schedule of the average number of seamen required in the

safe and ordinary navigation of registered, enrolled, and licensed vessels of the United States, basing such schedule upon the differences in rig, tonnage, and kind of traffic.

rolled, and licensed vessels, of 40 cents for each of average number of seamen required, &c. R. S., §§ 4585, 4587.

And from and after the completion and publication of said schedule, hospital-dues, at the rate and for the periods prescribed in sections four thousand five hundred and eighty-five and four thousand five hundred and eighty-seven of the Revised Statutes of the United States, shall be assessed and collected, from the master or owner of each vessel subject to such dues, upon the average number of seamen as set forth in said schedule:

Provided, That nothing herein contained shall be held to debar masters or owners of vessels from deducting such dues from each seaman's wages, as by law now authorized.

Hospital dues may be deducted from wages. R. S., §§ 4585, 4587.

SEC. 2. That from and after May first, eighteen hundred and seventy-five, every vessel subject to hospital-tax, except vessels required by law to carry crew-lists, shall have and keep on board, subject to inspection and verification at all times by any officer of the customs, a seaman's time-book, which shall be furnished by the Treasury Department; and in which time-book shall be entered the name, date of shipment, and date of discharge of every seaman employed on board such vessel;

Vessels subject to hospital-tax, except, &c., to keep seaman's time-book.

And the master or owner of any vessel subject to hospital-tax, vessels carrying crew-lists as above excepted, shall forfeit and pay the sum of fifty dollars for each and every seaman found employed on board his vessel without a corresponding entry in said time-book; and the sums so forfeited shall be collected by the collector of customs upon the sworn statement of the customs-officers who make the inspections, and shall be paid into the Treasury to the credit of the marine-hospital fund, for the general purposes of which fund said sums are hereby appropriated.

Penalty on master for neglect to keep book, &c.

SEC. 3. That term "seaman," wherever employed in legislation relating to the marine-hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

Meaning of word "seaman" as used in marine-hospital laws. R. S., §§ 4801–4813.

SEC. 4. That the Secretary of the Treasury may rent or lease such marine-hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the marine-hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

Marine-hospital buildings may be leased. R. S., § 4806.

SEC. 5. That insane patients of said service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such patient shall not exceed four dollars and fifty cents a week, which charge shall be paid out of the marine-hospital fund.

In marine-hospital service patients may be admitted to Government Hospital for Insane; charge therefor. R. S., § 4843. 1880, June 16, ch. 235, par. 2.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital-dues may be cared for by the marine-hospital service at such rates and under such regulations as the Secretary of the Treasury may prescribe.

—sick and disabled seamen of vessels, foreign or not, subject to dues, may be admitted. R. S., §§ 4801–4813.

SEC. 7. That the compensation of the Supervising Surgeon of the United States marine-hospital service shall be paid out of the marine-hospital fund, and the salary of the supervising surgeon shall be four thousand dollars a year.

Salary of Supervising Surgeon. R. S., § 4802. 1875, March 3, ch. 130, § 1, par. 7.

SEC. 8. That all acts and part of acts inconsistent with this act are hereby repealed. [*March* 3, 1875.]

Repeal.

CHAPTER 157.

March 3, 1875.
18 Stat. L., 486.

AN ACT TO ABOLISH THE CONSULATE AT AMOOR RIVER AND ESTABLISH A CONSULATE AT VLADIVOSTOCK, RUSSIA, AND FOR OTHER PURPOSES.

Consulate at Amoor River discontinued.
— at Vladivostock to be of class five.
Consuls of Vladivostock, Fayal, and Auckland may engage in trade.

Consulate at Amoor River discontinued.
R. S., § 1690.
1874, June 11, ch. 275.
— at Vladivostock be of class five.
Consuls at Vladivostock, Fayal, and Auckland may engage in trade.
R. S., §§ 1699, 1700.

Be it enacted, &c., That Amoor River, in Russia, be discontinued as a consulate of class five, in schedule B, as the same was amended by chapter two hundred and seventy-five of the laws of the first session of the Forty-third Congress;

And that Vladivostock be a consulate of class five, in schedule B, and that the consul at Vladivostock and the consuls at Fayal and Auckland be, and they severally hereby are, exempted from the prohibition to engage in business and trade embraced in sections one thousand six hundred and ninety-nine and one thousand and seven hundred of the Revised Statutes of the United States. [*March* 3, 1875.]

CHAPTER 159.

March 3, 1875.
18 Stat. L., 497.

AN ACT APPROVING THE ACTION TAKEN BY THE SECRETARY OF WAR UNDER THE ACT APPROVED JULY FIFTEENTH EIGHTEEN HUNDRED AND SEVENTY, AND TO PROVIDE FOR REPAYMENT OF CERTAIN MONEYS PAID TO OFFICERS MUSTERED OUT OF THE ARMY, AS SUPERNUMERARY, BUT SUBSEQUENTLY RE-APPOINTED BY THE PRESIDENT.

Officers mustered out as supernumeraries under act of 1870, ch. 294, § 3, and reappointed; to refund one year's pay.

Be it enacted, &c.

* * * * * * *

Officers mustered out as supernumeraries under act of 1870, ch. 294, § 3 (16 Stat. L., 317), and reappointed; to refund one year's pay, &c.
15 Opin. Att'y-Gen., 177.

SEC. 2. That hereafter whenever any person, who was mustered out as a supernumerary officer of the Army with one years pay and allowances, in addition to the pay and allowances due him at the date of his discharge, under the provisions of the act making appropriations for the support of the Army for the year ending June thirtieth eighteen hundred and seventy-one and for other purposes, approved July fifteenth eighteen hundred and seventy, shall be re-appointed by the President, an officer of the Army, such appointment shall be under and with the express condition, that fifty per cent of such officers pay shall be stopped monthly, until the sum total of the extra years pay and allowances received by him, when mustered out as aforesaid, shall have been refunded to the United States. [*March* 3, 1875.]

CHAPTER 160.

March 3, 1875.
18 Stat. L., 497.

AN ACT TO PROVIDE FOR THE SALE OF DESERT LANDS IN LASSEN COUNTY, CALIFORNIA.

SECTION
1. Citizens may reclaim and purchase desert lands in Lassen County, California, upon filing certain certificates, &c.
SECTION
— when may make entry, location, &c.
2. Desert land in said county defined.

Be it enacted, &c.

Citizens may reclaim and purchase desert land in Lassen County, Cal., upon filing certain certificate, &c.
R. S., § 2367.
1877, March 3, ch. 107.

[SECTION 1], That it shall be lawful for any citizen of the United States, or any person of requisite age who may be entitled to become a citizen, and who has filed his declaration of intention to become such, to file a declaration with the register and the receiver of the proper land district for the county of Lassen, California, in which any desert land is situated, that he intends to reclaim a tract of desert land situated in said county, not exceeding one section, by conducting water upon the same, so as to reclaim all of said land within the period of two years thereafter; and said declaration shall be under oath and shall describe

particularly said section of land, if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey; which said declaration shall be supported by the affidavit of at least two credible witnesses, establishing to the satisfaction of the register or receiver the fact that said lands are of the character described in this act.

Lassen County, Cal.; when entry of lands in may be made, location, &c.

And at any time within the period of two years after filing said declaration, and upon making satisfactory proof of the reclamation of said tract of land in the manner aforesaid, before the register and the receiver of said land office, such person shall be entitled to enter or locate the reclaimed section, or any part thereof, in the same manner as in cases where public lands of the United States are subject to entry, at a price not exceeding one dollar and twenty-five cents per acre, and shall receive a patent therefor.

— lands in said county defined.

SEC. 2. That all lands within said county of Lassen, exclusive of timber lands and of mineral lands, which do not produce grass, or which will not, without such reclamation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act. [*March* 3, 1875.]

CHAPTER 162.

AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR OTHER PURPOSES.

March 3, 1875.

18 Stat. L., 501.

SECTION

13. Moneys of District to be deposited in United States Treasury; how drawn.
14. Commissioners may reduce, adjust, and equalise salaries.
15. Notice of sales for special-improvement taxes to be advertised twice a week for three weeks.
16. Bonds, certificates, &c., redeemed, to be destroyed.
18. Registered bonds may be issued in denominations of $1,000 and $5,000.

Be it enacted, &c. (1)

* * * * * * *

Moneys of District to be deposited in United States Treasury; how drawn. 1878, June 11, ch. 180, § 4. 1881, March 3, ch. 134. § 2.

SEC. 13. (2) That the treasurer of the District, upon receiving any moneys, shall forthwith deposit the same in the Treasury of the United States; and said moneys thus deposited shall be drawn, from the Treasury of the United States, only in such sums and at such times as the same shall be actually required, and only for the expenditures authorized by law, and only upon warrants of the accounting officers of the District, issued under the direction of the commissioners of the District or their successors in office.

Commissioners may reduce, adjust, and equalize salaries.

SEC. 14. (2) That the commissioners of the District or their successors in office are hereby authorized to reduce, adjust, and equalize the pay or salaries of all officers or employees payable from the funds of the District government in whole or in part: *Provided, however*, That the aggregate sum of pay and salaries shall not be increased beyond the present aggregate amount of pay and salaries.

Notice of sales for special-improvement taxes to be advertised twice a week for three weeks.

SEC. 15. (2) That the third section of the act of the legislative assembly of the District of Columbia entitled "An act prescribing the mode of assessment for special improvements, and providing for the collection thereof," approved August tenth, eighteen hundred and seventy-one, shall be, and is hereby, amended so that the sales under said law shall be advertised twice a week for three successive weeks, instead of as heretofore required.

Bonds, certificates, &c., redeemed to be destroyed.

SEC. 16. (2) That the commissioners of the District of Columbia and the commissioners of the sinking fund of said District shall destroy by burning all bonds, sewer certificates and other obligations of every kind of the city of Washington the city of Georgetown or the District of

NOTES.—(1) The omitted sections of this act provide for the assessment and collection of a tax for one year.

(2) These sections (13–16) are repeated in the act of 1876, ch. 180, where the sections of these same numbers are identical with those found in this act.

Columbia whatsoever heretofore paid or redeemed by either of said boards under the direction of the Secretary of the Treasury and shall preserve the evidence thereof as shall be prescribed by said Secretary.

* * * * * * *

Registered bonds may be issued in denominations of $1,000 and $5,000. 1874, June 20, ch. 337, § 7. 1875, Feb. 20, ch. 94.

SEC. 18. That the three-sixty-five registered bonds of the District of Columbia, authorized by acts of Congress, approved June twentieth, eighteen hundred and seventy-four, and February twentieth, eighteen hundred and seventy-five, in lieu of coupon bonds, may be issued in denominations of one thousand dollars and five thousand dollars. [*March* 3, 1875.]

CHAPTER 167.

March 3, 1875.
18 Stat. L., 507.

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO ADJUST AND REMIT CERTAIN TAXES AND PENALTIES CLAIMED TO BE DUE FROM MINING AND OTHER CORPORATIONS AND FOR OTHER PURPOSES. (1)

Tax on circulating notes, &c., of mining and other corporations, except banks, prior to November, 1873, to be remitted. | Ten per cent. tax on notes of persons, State banks, &c., to apply to evidences of indebtedness.

Tax on circulating notes, &c., of mining and other corporations, except banks, prior to Nov., 1873, to be remitted.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and release any claims for tax on circulation of evidences of indebtedness made against any mining, manufacturing or other corporations other than against any national banking-association, State bank, or banking-association, by such corporations paying the tax, without penalty, that shall have accrued thereon since November first, eighteen hundred and seventy-three;

Ten per cent. tax on notes of persons, State banks, &c., to apply to evidences of indebtedness. R. S., § 3412. 1875, Feb. 8, ch. 36, §§ 19, 20.

And that the provisions of section three thousand four hundred and twelve of the Revised Statutes of the United States shall not be construed in pending cases, except as to national banking-associations, to apply to such evidences of indebtedness issued and reissued prior to the passage of this act, but said section shall be construed as applying to such evidences of indebtedness issued after the passage hereof. [*March* 3, 1875.]

NOTE.—(1) This act is printed in full in the second edition of the Revised Statutes, after § 3412.

CHAPTER 178.

March 3, 1875.
18 Stat. L., 512.

AN ACT FOR THE RELIEF OF GENERAL SAMUEL W. CRAWFORD, AND TO FIX THE RANK AND PAY OF RETIRED OFFICERS OF THE ARMY.

Officers retired before March 3, 1875, for disability from wounds in action; rank of, on retired list. | —to be continued, although they accept office in diplomatic or consular service.

Be it enacted, &c.

* * * * * * *

Officers retired before March 3, 1875, for disability from wounds in action; rank of, on retired list. R. S., § 1254. 15 Opin. Att'y-Gen., 83, 199, 209, 407. 15 C. Cls., 151.

SEC. 2. That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the regular or volunteer service, at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly; and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action:

Provided, That no part of the foregoing act shall apply to those officers who had been in service as commissioned officers twenty-five years at the date of their retirement; nor to those retired officers who had lost an arm or leg, or has an arm or leg permanently disabled by reason of resection, on account of wounds, or both eyes by reason of wounds received in battle;

And every such officer now borne on the retired list shall be continued thereon notwithstanding the provisions of section two (1) chapter thirty-eight act of March thirty, eighteen hundred and sixty-eight; —to be continued although they accept office in diplomatic or consular service.

And be it also provided that no retired officer shall be affected by this act, who has been retired or may hereafter be retired on the rank held by him at the time of his retirement; R. S., § 1223. 1877, Feb. 27, ch. 69, par. 32.

And that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [*March* 3, 1875.]

NOTE.—(1) The provisions of § 2 of the act of 1868, ch. 38 (15 Stat. L., 58), here referred to, are incorporated into Revised Statutes in § 1223, noted in the margin.

CHAPTER 179.

AN ACT EXTENDING THE PRIVILEGE OF THE LIBRARY OF CONGRESS TO THE REGENTS OF THE SMITHSONIAN INSTITUTION.

March 3, 1875.
18 Stat. L., 512.

Regents of Smithsonian Institution may have use of Library of Congress.

Be it enacted, &c., That the Joint Committee of both Houses of Congress on the Library be authorized to extend the use of the books in the Library of Congress to the Regents of the Smithsonian Institution resident in Washington on the same conditions and restrictions as members of Congress are allowed to use the Library. [*March* 3, 1875.] Regents of Smithsonian Institution may have use of Library of Congress. R. S., § 94.

CHAPTER 188.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT FOR THE RESTORATION TO HOMESTEAD ENTRY AND TO MARKET OF CERTAIN LANDS IN MICHIGAN," APPROVED JUNE TENTH, EIGHTEEN HUNDRED AND SEVENTY-TWO, AND FOR OTHER PURPOSES.

March 3, 1875.
18 Stat. L., 516.

SECTION
1. Unoccupied, &c., lands of Ottawa and Chippewa Indians; patents to be issued of part to certain Indians.
— remainder temporarily subject to homestead laws.
— residue to be sold.
2. Certain Indians may enter 80 acres of land in Michigan, &c.
Remaining lands to be restored to market.
3. Settlers on lands reserved by treaty with Ottawa and Chippewa Indians may enter homesteads within 90 days.

Be it enacted, &c.

[SECTION 1], [**Sup.**] [That the act approved June tenth, eighteen hundred and seventy-two, entitled (1) "An act for the restoration to market of certain lands in Michigan," be, and hereby is, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawa and Chippewa Indians of Michigan, for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; Unoccupied, &c., land of Ottawa and Chippewa Indians; patents to be issued of part to certain Indians. R. S., §§ 2313-2317. *Substitute* 1876, May 23, ch. 105.

And the remainder of said lands not disposed of, and not valuable mainly for pine-timber, shall be subject to entry under the homestead-laws, for one year from the passage of this act; Remainder temporarily subject to homestead laws.

And the lands remaining thereafter undisposed of shall be offered for sale at a price not less than two dollars and fifty cents per acre.] —residue to be sold.

SEC. 2. That all Indians who have settled upon and made improvements on section ten, in township forty-seven north, of range two east, and section twenty-four in township forty-seven north, of range three west, Michigan, shall be permitted to enter not exceeding eighty acres each, at the minimum price of land, upon making proof of such settlement and improvement before the register of the land-office at Marquette, Michigan; Certain Indians may enter 80 acres of land in Michigan, &c.

NOTE.—(1) The act of 1872, ch. 424 (17 Stat. L., 381), here referred to, is incorporated into Revised Statutes in the sections noted in the margin. The first section of this act is superseded by a substitute; act of 1876, ch. 105.

Remaining lands to be restored to market.

And when said entries shall have been completed in accordance herewith, the remaining lands embraced within the limits of said section shall be restored to market.

Settlers on lands reserved by treaty with Ottawa and Chippewa Indians may enter homesteads within 90 days.

Treaty (11 Stat. L., 621).

R. S., §§ 2313-2317.

SEC. 3. That all actual, permanent, bona-fide settlers on any of the lands reserved for Indian purposes under the treaty with the Ottawa and Chippewa Indians of Michigan of July thirty-first, eighteen hundred and fifty-five, shall be entitled to enter not exceeding one hundred and sixty acres of land, either under the homestead-laws or to pay the minimum price of land, on making proof of his or her settlement and continued residence before the expiration of ninety days from the passage of this act:

Provided, That such settlers do not claim any of the lands heretofore patented to Indians, or in conflict with the selections found to have been made by Indians referred to in the first section of this act, and shall have settled upon said lands prior to the first day of January, eighteen hundred and seventy-four. [*March* 3, 1875.]

CHAPTER 191.

March 3, 1875.

18 Stat. L., 517.

AN ACT TO SET APART A CERTAIN PORTION OF THE ISLAND OF MACKINAC IN THE STRAITS OF MACKINAC, WITHIN THE STATE OF MICHIGAN, AS A NATIONAL PARK

SECTION
1. Part of Mackinac Island set apart as a national park.
— trespassers thereon.
2. — control and management of, to be under Secretary of War.
Secretary may lease parts for buildings for visitors.
Secretary of War shall provide against destruction of game.
— to cause removal of trespassers, &c.
3. Use of park for military purposes.
Act may be altered without liability for damages.

Be it enacted, &c.

Part of Mackinac Island set apart as a national park.

[SECTION 1], That so much of the island of Mackinac, lying in the Straits of Mackinac, within the county of Mackinac, in the State of Michigan, as is now held by the United States under military reservation or otherwise, (exepting the Fort Mackinac and so much of the present reservation thereof as bounds it to the south of the village of Mackinac, and to the west, north and east respectively by lines drawn north and south, east and west, at a distance from the present fort flagstaff of four hundred yards,) hereby is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a national public park, or grounds, for health, comfort, or pleasure, for the benefit and enjoyment of the people;

—trespassers thereon.

And all persons who shall locate or settle upon or occupy the same, or any part thereof, except as herein provided, shall be considered trespassers, and removed therefrom.

—control and management of park under Secretary of War.

SEC. 2. That said public park shall be under the exclusive control of the Secretary of War, whose duty it shall be as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition.

Secretary may lease parts for buildings for visitors.

The Secretary may in his discretion, grant leases for building purposes, of small parcels of ground, at such places in said park as shall require the erection of buildings for the accommodation of visitors for terms not exceeding ten years; all of the proceeds of said leases and all other revenues derived from any source connected with said park, to be expended, under his direction, in the management of the same and in the construction of roads and bridle paths therein.

—shall provide against destruction of game.

He shall provide against the wanton destruction of game or fish found within said park and against their capture or destruction for any purposes of use or profit.

He also shall cause all persons trespassing upon the same after the passage of this act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary or proper to fully carry out the objects and purposes of this act. Secretary of War to cause removal of trespassers, &c.

SEC. 3. That any part of the park hereby created shall at all times be available for military purposes, either as a parade or drill ground, in time of peace, or for complete occupation in time of war, or whenever war is expected, and may also be used for the erection of any public buildings or works: Use of park for military purposes.

Provided that no person shall ever claim or receive of the United States any damage on account of any future amendment or repeal of this act, or the taking of said park, or any part thereof, for public purposes or use. [*March* 3, 1875.] Act may be altered without liability for damages.

CHAPTER 194.

AN ACT TO ANNEX CERTAIN LANDS TO RESERVATION NUMBERED TWO, OCCUPIED BY THE DEPARTMENT OF AGRICULTURE.

March 3, 1875.
18 Stat. L., 518.

Lands annexed to grounds of Agricultural Department in District of Columbia.

Be it enacted, &c., That the public ground which lies immediately north of reservation numbered two, now in the occupancy of the Department of Agriculture, made by the filling-up of the canal, be, and the same is hereby, attached to and shall hereafter be a part of the said reservation numbered two, in the occupancy of the said Department of Agriculture. [*March* 3, 1875.] Land annexed to grounds of Agricultural Department in District of Columbia.

CHAPTER 196.

AN ACT FOR THE RELIEF OF SETTLERS ON LANDS WITHIN RAILROAD LIMITS.

March 3, 1875.
18 Stat. L., 519.

Settlers who have paid for lands in railroad grants forfeited may locate on any unoccupied lands, &c.

Be it enacted, &c., That where any actual settler who shall have paid for any lands situate within the limits of any grant of lands by Congress to aid in the construction of any railroad, the price of such lands being fixed by law at double minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate, on any unoccupied lands, an amount equal to their original entry, without further cost, except such fees as are now provided by law in preëmption cases: Settlers who have paid for lands in railroad grants forfeited may locate on any unoccupied lands, &c.
R. S., §§ 2279, 2281.
1874, April 15, ch. 99.
1876, July 24, ch. 227.

Provided, That when such location is upon double minimum lands, one-half the amount only shall be taken. [*March* 3, 1875.]

CHAPTER 203.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A PONTON WAGON-BRIDGE ACROSS THE MISSISSIPPI RIVER, AT OR NEAR THE CITY OF DUBUQUE, IN THE STATE OF IOWA.

March 3, 1875.
18 Stat. L., 522.

SECTION
1. Ponton wagon-bridge across Mississippi, at Dubuque, Iowa, provided for.
2. Plan and construction of bridge.
3. Act may be amended.

Be it enacted, &c.

[SECTION 1], That it shall be lawful for any person or persons, company or corporation, authorized by the laws of Iowa, Illinois, or Wisconsin, to construct a pile and ponton wagon-bridge across the Mississippi River at or near the city of Dubuque, in the State of Iowa, so as to Ponton wagon-bridge across Mississippi, at Dubuque, Iowa, provided for.

1874, June 6, ch. 224. 1874, June 22, ch. 405, *note*, p. 89.

connect with the opposite shore of the said river, in either of the States of Wisconsin or Illinois; said bridge to be built subject, except as herein modified, to all the terms, requirements, and limitations contained in the act entitled "An act to legalize and establish a ponton railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June sixth, eighteen hundred and seventy-four, so far as they may be applicable thereto.

Plan and construction of bridge.

SEC. 2. That the bridge shall be constructed with a suitable ponton-draw of not less than five hundred feet in width, located over the main channel of the river:

Provided, That said bridge shall not be built or commenced until the plan and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan of construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War;

And any change in the construction, or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War, shall be made at the cost and expense of the owners thereof.

Act may be amended.

SEC. 3. That Congress may at any time alter, amend or repeal this act. [*March* 3, 1875.]

RESOLUTION.

1875, NUMBER 7.

March 3, 1875.

18 Stat. L., 524.

JOINT RESOLUTION EXPLANATORY OF AN ACT ENTITLED "AN ACT FIXING THE NUMBER OF PAYMASTERS IN THE ARMY OF THE UNITED STATES," APPROVED MARCH SECOND, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

Paymasters in Army with rank of major to be only fifty.

Number of paymasters in Army with rank of major to be fifty only. R. S., §§ 1182, 1194. 1875, March 2, ch. 118.

Be it resolved, &c., That the intent and meaning of an act entitled "An act fixing the number of Paymasters in the Army of the United States", approved March two, eighteen hundred and seventy-five was to authorize the appointment of such additional number of paymasters with the rank of major as will make the total number of Paymasters with the rank of major, fifty, and no more.

And so much of section eleven hundred and ninety-four of the Revised Statutes as applies to the Paymasters of the rank of major be, and the same is hereby, repealed. [*March* 3, 1875.]

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-FOURTH CONGRESS—FIRST SESSION

IN

THE YEAR 1876.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and STAT. L. to the Statutes at Large.

Rep., followed by text in brackets, indicates that the part so inclosed is repealed, and

Sup., that the part following in brackets is superseded by acts noted in margin or referred to in the notes.]

CHAPTER 4.

AN ACT TO AMEND SECTION THREE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN OF THE REVISED STATUTES IN RELATION TO THE PURCHASE OF PAPER FOR THE PUBLIC PRINTING. (1)

Jan. 25, 1876.
19 Stat. L., 2.

Standards and proposals for Government printing-paper.

Be it enacted, &c., That section three thousand seven hundred and sixty-seven of the Revised Statutes of the United States be and the same is hereby amended, so that it will read: "The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington and Cincinnati, for sealed proposals to furnish the Government with paper, as specified in the schedule to be furnished to applicants by the Congressional Printer, setting forth in detail the quality and quantities required for the Public Printing." (1)

Standards and proposals for Government printing-paper.
R. S., § 3767.
1876, July 31, ch. 246, § 1, par. 1.

And all acts and parts of acts inconsistent with this act are hereby repealed. [*January* 25, 1876.]

Repeal.

NOTE.—(1) The amendment made by this act is incorporated into the second edition of the Revised Statutes in section 3767.

CHAPTER 5.

Feb. 1, 1876.

AN ACT TO AMEND THE REVISED STATUTES RELATING TO NATURALIZATION.

19 Stat. L., 2.

Declaration of intention, &c., for naturalization may be made before clerks of certain courts.

Declaration of intention, &c., for naturalization may be made before clerks of certain courts.
R. S., § 2165.

Be it enacted, &c., That the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts named in said section. [*February* 1, 1876.]

NOTE.—This act is in the second edition of R. S., § 2165.

CHAPTER 6.

Feb. 1, 1876.

AN ACT TO AMEND THE REVISED STATUTES TOUCHING VICE CONSUL GENERALS.

19 Stat. L., 2.

Meaning of the words "minister" and "consul," in laws respecting foreign relations.

Meaning in laws respecting foreign relations of words—

Minister.
R. S., § 4130.

Consul.
R. S., § 4130.

Be it enacted, &c., That section forty-one hundred and thirty (1) of the Revised Statutes of the United States be, and the same is, amended by inserting, after the words "consul-general", the words "vice consul-general", so that the section shall read as follows, namely:

(1) SEC. 4130. The word "minister", when used in this title shall be understood to mean the person invested with, and exercising, the principal diplomatic functions.

The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, vice consul-general, consul or vice-consul. [*February* 1, 1876.]

NOTE.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in section 4130.

CHAPTER 11.

Feb. 18, 1876.

AN ACT FIXING THE TIME OF HOLDING THE CIRCUIT COURT OF THE UNITED STATES IN THE DISTRICTS OF CALIFORNIA, OREGON, AND NEVADA.

19 Stat. L., 4.

SECTION
1. Circuit court; when to be held in.
— California.
— Oregon.
— Nevada.
2. When act takes effect.

Be it enacted, &c.

Circuit court; when to be held in—

[SECTION 1], That a term of the circuit court of the United States for the districts of California, Oregon and Nevada shall be held as follows, namely:

California.

For the district of California, on the first Monday of February, second Monday of July, and fourth Monday of November in each year;

Oregon.

For the district of Oregon, on the second Monday of April and the first Monday of October in each year;

Nevada.
R. S., §§ 658, 664.
1874, June 16, ch. 287.

And for the district of Nevada, on the third Monday of March and the first Monday of November in each year.

And the said terms respectively shall be in the place and stead of those now provided by law.

When act takes effect, &c.

SEC. 2. That this act shall take effect on the first day of March, eighteen hundred and seventy-six; and all provisions of law inconsistent therewith are hereby repealed: *Provided*, That when a term shall have commenced in any of said districts before this act takes effect, it shall be lawful to continue such term until the time for the commencement of the first term in said district to be held under the provisions of this act. [*February* 18, 1876.]

CHAPTER 12.

AN ACT TO CHANGE THE LOCATION OF THE CONSULATES AT AIX-LA-CHAPELLE AND AT OMOA AND TRUXILLO.

Feb. 18, 1876.

19 Stat. L., 4.

Consulates removed to Cologne and Utila, in Bay Islands.

Be it enacted, &c., That the consulate now established at Aix-la-Chapelle, in class five, in schedule B of consulates, be removed to Cologne, within the same consular district; and the consulate now established at Omoa and Truxillo, in class seven, in schedule C of consulates, be removed to Utila in the Bay Islands; and that such removals shall in no manner affect the appropriations for such consulates, or the existing provisions of law applicable thereto, except as modified hereby. [*February* 18, 1876.]

Consulates removed to Cologne, and Utila, in Bay Islands.

R. S., § 1690.

1874, June 11, ch. 275, § 1, pp. 34, 35.

1878, Feb. 11, ch. 14.

CHAPTER 13.

AN ACT TO EXTEND THE TIME FOR STAMPING UNSTAMPED INSTRUMENTS.

Feb. 25, 1876.

19 Stat. L., 5.

Stamps may be affixed prior to January, 1877, to unstamped instruments heretofore made.

Be it enacted, &c., That the provisions of the act entitled "An act to provide for the stamping of unstamped instruments, documents, or papers," approved the twenty-third day of June, in the year eighteen hundred and seventy-four, be, and the same are hereby, extended to the first day of January, in the year eighteen hundred and seventy-seven. [*February* 25, 1876.]

Stamps may be affixed prior to January, 1877, to unstamped instruments heretofore made.

R. S., § 3422.

1874, June 23, ch. 462.

105 Mass., 49.

CHAPTER 17.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO ENABLE THE PEOPLE OF COLORADO TO FORM A CONSTITUTION AND STATE GOVERNMENT, AND FOR THE ADMISSION OF SAID STATE INTO THE UNION ON AN EQUAL FOOTING WITH THE ORIGINAL STATES" APPROVED MARCH 3, 1875

March 3, 1876.

19 Stat. L., 5.

SECTION
1. In Colorado: who may vote at first election.
SECTION
2. Appropriation.

Be it enacted, &c.

[SECTION 1], That so much of section three of the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States" approved March third, eighteen hundred and seventy-five, as reads "and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention" be amended so as to read as follows:

"And all who are qualified voters of said Territory under the laws thereof at such time as the constitution to be framed shall be submitted to the people for ratification or rejection shall be entitled to vote upon the question of such ratification or rejection."

In Colorado: who may vote at first election.

1875, March 3, ch. 139, § 3.

SEC. 2. That section thirteen of said act be amended by adding at the end of said section thirteen the following:

"And if the balance of said legislative appropriations does not amount to the sum of twenty thousand dollars, then there shall be, and there hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient, with the said unexpended appropriations, to make the sum of twenty thousand dollars, which shall be used for the purposes aforesaid: *Provided*, That any money hereby appropriated not necessary for such purposes shall be covered into the Treasury of the United States. [*March* 3, 1876.]

Appropriation.

1875, March 3, ch. 139, § 13.

CHAPTER 23.

March 14, 1876.
19 Stat. L., 7.

AN ACT TO EXTEND TO THE PORT OF GENESSEE IN THE STATE OF NEW YORK THE PRIVILEGES OF SECTIONS TWENTY-NINE HUNDRED AND NINETY TO TWENTY-NINE HUNDRED AND NINETY-SEVEN OF THE REVISED STATUTES INCLUSIVE.

Imports for transportation in bond may be entered at or transported to Genessee, N. Y.

Imports for transportation in bond may be entered at or transported to Genessee, N. Y.
R. S., §§ 2990–2997.
16 Opin. Att'y-Gen., 548.

Be it enacted, &c., That the privileges of sections twenty-nine hundred and ninety to twenty-nine hundred and ninety-seven of the Revised Statutes inclusive be, and they are hereby extended to the port of Genessee, in the State of New York. (1) [*March* 14, 1876.]

NOTE.—(1) See act of 1880, June 10, ch. 190, §§ 7, 8, by which R. S. §§ 2990–2997 are repealed, and other provisions made on the same subject.

CHAPTER 51.

April 10, 1876.
19 Stat. L., 28.

AN ACT TO AUTHORIZE THE SALE OF THE PAWNEE RESERVATION.

SECTION
1. Pawnee reservation in Nebraska to be sold. Purchasers committing waste; penalty. Patents, when to issue. Improvements to be sold separately. Repeal of, 1872, ch. 436, § 2.
3. Application of proceeds of sale.
4. New reservation for Pawnees. Cherokee treaty to be complied with. Pawnees to make certain payments.
5. Allotments to heads of families, &c. —patents for, when to issue.

Be it enacted, &c.

Pawnee reservation in Nebraska to be sold.
Treaty (11 Stat. L., 729).

[SECTION 1], That with the consent and concurrence of the Pawnee tribe of Indians, (1) expressed in open council in the usual manner, the Secretary of the Interior be, and he is hereby, authorized to cause to be appraised and sold the entire reservation set apart for said Indians, in the State of Nebraska, by the provisions of the first article of a treaty with them, concluded September twenty-fourth, eighteen hundred and fifty-seven, in the following manner:

The said Secretary shall appoint three disinterested and competent persons, who, after being duly sworn to perform said service faithfully and impartially, shall personally examine and appraise said lands at their actual cash value, by legal subdivisions of one hundred and sixty acres, separately from the value of any improvements on the same, and shall also examine and appraise the value of said improvements, and make return thereof to the Commissioner of Indian Affairs.

After the appraisement of said lands as herein provided, the Secretary of the Interior shall be, and he is hereby, authorized to offer the same for sale on the following terms and conditions, to wit:

After advertising the time of sale for three months in one newspaper published in each of the cities of New York, Washington, Chicago, Saint Louis, Cincinnati, Columbus, Nebraska, and Omaha, he shall offer the lands at public sale to the highest bidder for one-third cash in hand, the balance in two equal annual payments, drawing interest at the rate of six per centum per annum from the day of sale.

Said land shall be sold in separate tracts of one hundred and sixty acres, and none of it shall be sold for less than its appraised value, or for less than two dollars and fifty cents per acre. Said sale to take place at some point in Nebraska as near as may be to said land, to be fixed by the Secretary of the Interior.

Purchasers committing waste; penalty.

If any person shall commit waste or damage upon said lands before full payment therefor, his rights to the lands purchased by him shall cease, and the same, together with all of said lands not sold at said public sale, shall be sold under the direction of the Secretary of the Interior, at private sale, on the same terms and subject to the same conditions as those sold at said public sale:

Provided, That said lands shall not be sold for less than their appraised value, or for less than two dollars and fifty cents per acre.

Patents, when to issue.

And patents in fee-simple shall be issued to the purchasers of lands under the seals herein provided for upon the payment to the Secretary of the Interior in full of the purchase price of the same:

NOTE.—(1) This consent was given June, 1876.

Provided, That if any of said tracts of land shall contain valuable improvements thereon, made by or for the Indians, or for Government purposes, said improvements may be sold separately from the lands on which they are situated, or may be sold with the land, as the Secretary of the Interior may deem best:

Improvements to be sold separately.

And provided further, That the second section of the act of Congress, approved June tenth, eighteen hundred and seventy-two, making provision for the sale of a portion of these lands, be, and the same is hereby, repealed.

Repeal of. 1872, ch. 436, § 2 (17 Stat. L., 391).

SEC. 2. [*Appropriates three hundred thousand dollars for removal of Pawnees.*]

Appropriation for removal of Pawnees.

SEC. 3. That any surplus that may remain from the proceeds of the sale of the lands described in said first section, after the reimbursement to the United States of said sum of three hundred thousand dollars, and after the purchase of a suitable reservation in the Indian Territory for the Pawnee tribe of Indians, shall be placed to the credit of said Indians on the books of the Treasury of the United States, and bear interest at a rate not to exceed five per centum per annum, payable semi annually, except such portion thereof as the Secretary of the Interior, with the approval of the President of the United States, may deem necessary to be expended for their immediate use for subsistence or other beneficial objects.

Application of proceeds of sale of lands.

SEC. 4. That the following described reservation in Indian Territory be, and the same is hereby, set apart for the use and occupation of the Pawnee tribe of Indians, namely:

New reservation for Pawnees.

All that tract of country between the Cimnarron and Arkansas Rivers embraced within the limits of townships twenty one, twenty two, twenty three, and twenty-four north, of range four east, townships eighteen, nineteen, twenty, twenty one, twenty-two, twenty three, and twenty-four north, of range five east, townships eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-three north, of range six east of the Indian meridian:

Provided, That the terms of the sixteenth article of the Cherokee treaty of July nineteenth, eighteen hundred and sixty-six, shall be complied with so far as the same may be applicable, thereto:

Cherokee treaty to be complied with. *Treaty* (14 Stat. L., 804).

And provided further, That the sum to be paid to the Cherokees by the Pawnees for such quantity of the land herein described as may be within the limits of the Cherokee country west of the ninety-sixth meridian of west longitude shall not exceed seventy cents per acre:

Pawnees to make certain payments. *Treaty* (14 Stat. L., 785).

And provided also, That the portion of the reservation herein described lying within the territory ceded to the United States by the third article of the Creek treaty of June fourteenth, eighteen hundred and sixty-six, shall be paid for by said Pawnees at the rate of thirty cents per acre.

SEC. 5. That the Secretary of the Interior shall cause to be made to each head of a family or single person over twenty-one years of age belonging to said Pawnee tribe, and residing upon said reserve, who shall so elect, an allotment within said reservation, of one hundred and sixty acres of land, as near as may be, to be governed by the lines of public survey; and upon the approval of the Secretary of the Interior of such allotments, certificates shall be issued therefor by the Commissioner of Indian Affairs:

Allotments to heads of families, &c.

Provided, That whenever it shall be made to appear to the satisfaction of the Secretary of the Interior that any allottee has occupied and cultivated any portion of his or her allotment for the period of five successive years, and has at least twenty-five acres of the same fenced and in crop, such allottee shall be entitled to receive a patent for his or her allotment, with the condition that the same shall not be aliened or conveyed within fifteen years from the date thereof, and then only with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe. [*April* 10, 1876.]

—patents for, when to issue.

CHAPTER 56.

April 13, 1876.
19 Stat. L., 32.

AN ACT TO AMEND SECTION 1044 OF THE REVISED STATUTES RELATING TO LIMITATIONS IN CRIMINAL CASES. (1)

Offenses not capital, except under revenue and slave-trade laws, not to be prosecuted after three years.

Offenses not capital, except not to be prosecuted after three years.
R. S., §§ 1044, 1045.
2 Cr., 336.
17 Wall., 168.
3 McLean, 89.
1 Cr. C C., 485.
3 Cr. C. C., 442.
5 Cr. C. C., 38, 73, 116. 98 U. S., 450. 100 U. S., 33.

Be it enacted, &c., That section one thousand and forty-four of the Revised Statutes of the United States be amended so as to read as follows: (1)

No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section one thousand and forty-six, unless the indictment is found, or the information is instituted within three years next after such offense shall have been committed.

But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provisions of existing laws. [*April* 13, 1876.]
102 U. S., 201.

NOTE.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in section 1044.

CHAPTER 63.

April 17, 1876.
19 Stat. L., 33.

AN ACT TO PROVIDE FOR A DEFICIENCY IN THE PRINTING AND ENGRAVING BUREAU OF THE TREASURY DEPARTMENT, AND FOR THE ISSUE OF SILVER COIN OF THE UNITED STATES IN PLACE OF FRACTIONAL CURRENCY.

SECTION
2. Silver coins to be issued in redemption of fractional currency.

SECTION
Currency so redeemed to be part of sinking-fund.

Be it enacted, &c. * * *

Silver coins to be issued in redemption of fractional currency.
R. S., §§ 3513, 3572.
1875, March 13, ch. 143.
1876, July 22, Res. No. 17, p. 254.

SEC. 2. That the Secretary of the Treasury is hereby directed to issue silver coins of the United States of the denomination of ten, twenty, twenty-five and fifty cents of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption, or whenever it may, be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular sub-treasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

Currency so redeemed to be part of sinking-fund.
R. S., § 3694.

And the fractional currency redeemed under this act shall be held to be a part of the sinking-fund provided for by existing law, the interest to be computed thereon as in the case of bonds redeemed under the act relating to the sinking-fund [*April* 17, 1876.]

CHAPTER 66.

April 18, 1876.
19 Stat. L., 34.

AN ACT FURTHER TO PROVIDE FOR THE ADMINISTERING OF OATHS IN THE SENATE.

SECTION
1. Oaths to Senators, officers, and witnesses may be administered by presiding officer.

SECTION
2. Oaths, how administered to officers and witnesses by Secretary of Senate and chief clerk.

Be it enacted, &c.

Oaths to Senators, officers, and witnesses may be administered by presiding officer.
R. S., §§ 28, 1758.

[SECTION 1], That the Presiding Officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect of any matter within the jurisdiction of the Senate.

—to officers and witnesses by Secretary of Senate and chief clerk.
R. S., §§ 52, 1758.

SEC. 2. That the Secretary of the Senate, and the chief clerk thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it. [*April* 18, 1876.]

CHAPTER 72.

AN ACT TO CONFIRM PRE-EMPTION AND HOMESTEAD ENTRIES OF PUBLIC LANDS WITHIN THE LIMITS OF RAILROAD-GRANTS IN CASES WHERE SUCH ENTRIES HAVE BEEN MADE UNDER THE REGULATIONS OF THE LAND DEPARTMENT.

April 21, 1876.
19 Stat. L., 35.

SECTION
1. Entries of lands in limits of land-grants prior to notice of withdrawal of lands, &c., confirmed.
2. Claims abandoned on account of decision of Land Office may be re-entered.
3. Claims entered after the expiration of land-grant deemed valid.

Be it enacted, &c.

[SECTION 1], That all pre-emption and homestead entries, or entries in compliance with any law of the United States, of the public lands, made in good faith, by actual settlers, upon tracts of land of not more than one hundred and sixty acres each, within the limits of any land-grant, prior to the time when notice of the withdrawal of the lands embraced in such grant was received at the local land-office of the district in which such lands are situated, or after their restoration to market by order of the General Land-Office, and where the pre-emption and homestead laws have been complied with, and proper proofs thereof have been made by the parties holding such tracts or parcels, they shall be confirmed, and patents for the same shall issue to the parties entitled thereto.

Entries of lands in limits of land-grants prior to notice of withdrawal of lands, &c., confirmed.
R. S., §§ 2257, 2259, 2289, 2297.
15 Opin. Att'y-Gen., 583.

SEC. 2. That when at the time of such withdrawal as aforesaid valid pre-emption or homestead claims existed upon any lands within the limits of any such grants which afterward were abandoned, and, under the decisions and rulings of the Land Department, were re-entered by pre-emption or homestead claimants who have complied with the laws governing pre-emption or homestead entries, and shall make the proper proofs required under such laws, such entries shall be deemed valid, and patents shall issue therefor to the person entitled thereto.

Claims abandoned on account of decision of Land Office may be re-entered.

SEC. 3. That all such pre-emption and homestead entries which may have been made by permission of the Land Department, or in pursuance of the rules and instructions thereof, within the limits of any land-grant at a time subsequent to expiration of such grant, shall be deemed valid, and a compliance with the laws and the making of the proof required shall entitle the holder of such claim to a patent therefor. [*April* 21, 1876.]

—entered after expiration of land-grant deemed valid.

CHAPTER 78.

AN ACT TO ESTABLISH A LAND-OFFICE IN THE SOUTHERN PART OF UTAH TERRITORY, TO BE KNOWN AS THE BEAVER DISTRICT, AND FOR OTHER PURPOSES.

April 25, 1876.
19 Stat. L., 36.

SECTION
1. Beaver land district in Utah established. — office to be located by President.
2. Register and receiver for

Be it enacted, &c.

[SECTION 1], That so much of the public lands of the United States in the Territory of Utah, beginning at the southwestern boundary of said Territory, thence running north on the line between said Territory and the State of Nevada to the Fourth Standard parallel of latitude, thence easterly along said line to the eastern boundary of [*of*] said Territory, thence southerly to the southern boundary of said Territory, thence westerly to the place of beginning, be formed into a land district, to be called the Beaver land district, the land-office for which shall be located at such point as the President may direct, and may be removed from time to time to other points within said district whenever, in his opinion, it may be expedient.

Beaver land district, in Utah, established.
R. S., § 2256, 2d ed., p. 413.

—office of, to be located by President.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district, who shall respectively be required to reside at the site of said office; and they shall have the same powers, perform

Register and receiver for.
R. S., §§ 2234-2247.

the same duties, and be entitled to the same compensation as are or may be prescribed by law in relation to the land-office now established at Salt Lake City. [*April* 25, 1876.]

CHAPTER 84.

April 27, 1876.
19 Stat. L., 38.

AN ACT TO CORRECT AN ERROR IN THE REVISED STATUTES OF THE UNITED STATES, AND FOR OTHER PURPOSES.

Deposits made by settlers on public lands for certain surveys to go in part payment of lands.

Deposits made by settlers on public lands for certain surveys to go in part payment of lands.
R. S., § 2403.
1879, March 3, ch. 170.

Be it enacted, &c., That for the purpose of correcting an error in the act entitled "An act to revise and consolidate the statutes of the United States, in force on the first day of December, anno Domini one thousand eight hundred and seventy-three," so as to make the same truly express such laws, the following amendment is hereby made therein: (1)

Section two thousand four hundred and three is amended by striking out in the second line the word "seven" and inserting the word one, and all proceedings under said section two thousand four hundred and three shall have the same force and effect as though enacted as herein amended. [*April* 27, 1876.]

NOTE.—(1) This error is corrected in the second edition. The whole section is repealed and a substitute enacted in its place by act of 1879, March 3, ch. 170.

CHAPTER 86.

April 29, 1876.
19 Stat. L., 41.

AN ACT TO PROTECT THE PUBLIC PROPERTY, TURF AND GRASS OF THE CAPITOL GROUNDS FROM INJURY.

Capitol grounds, &c., not to be used as play-grounds to destruction of grass, &c.

Capitol grounds, &c., not to be used as play-grounds to destruction of grass, &c.
R. S., §§ 1820, 1821.

Be it enacted, &c., That it shall be the duty of the Capitol police hereafter to prevent any portion of the Capitol grounds and terraces from being used as play-grounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury. [*April* 29, 1876.]

CHAPTER 88.

May 1, 1876.
19 Stat. L., 41.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEARS ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SIX, AND FOR PRIOR YEARS, AND FOR OTHER PURPOSES.

Par. 1. Witnesses residing in District of Columbia before committees of House allowed only $2 per day.
Par. 2. Territorial officers; salary not to commence until sworn in.
— to take oath in Territory.

Be it enacted, &c. * * *

* * * * * * *

Witnesses residing in District Columbia before committees of House allowed only $2 per day.
R. S., § 848.

[*Par.* 1.] That witnesses residing in the District of Columbia and not in the service of the government of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding two dollars for each day's attendance before said committee.

* * * * * * *

Territorial officers; salaries not to commence until sworn in.
R. S., § 1845.
—to take oath in Territory.
R. S., §§ 1845, 1878.

[*Par.* 2.] Hereafter payment of salaries of all officers of the Territories of the United States appointed by the President shall commence only when the person appointed to any such office shall take the proper oath, and shall enter upon the duties of such office in such Territory;

And said oath shall hereafter be administered in the Territory in which such office is held.

* * * * * * *

[*May* 1, 1876.]

CHAPTER 89.

AN ACT TO PROVIDE FOR THE SEPARATE ENTRY OF PACKAGES CONTAINED IN ONE IMPORTATION. (1)

May 1, 1876.
19 Stat. L., 49.

SECTION
1. Separate entry of packages contained in importation may be made in certain cases.
2. Oath of importer, consignee, or agent in such cases.
3. Repeal.

Be it enacted, &c.

Separate entry of packages contained in importation may be made in certain cases. R. S., §§ 2785, 2841.

[SECTION 1], That a separate entry may be made of one or more packages contained in an importation of packed packages consigned to one importer or consignee, and concerning which packed packages, no invoice, or statement of contents or values, has been received.

Every such entry shall contain a declaration of the whole number of parcels contained in such original packed package; and shall embrace all the goods wares, and merchandise imported in one vessel at one time for one and the same actual owner, or ultimate consignee.

Oath of importer, consignee, or agent in such cases. R. S., § 2841.

SEC. 2. That the importer, consignee, or agent's oath prescribed by section twenty-eight hundred and forty-one of the Revised Statutes, is hereby modified for the purposes of this Act, so as to require the importer consignee or agent to declare therein that the entry contains an account of all the goods ——— imported in the ——— whereof ——— ——— is master, from ——— for account of ——— which oath so modified, shall in each case, be taken on the entry of one or more packages contained in an original package.

But nothing in this act contained shall be construed to relieve the importer, consignee, or agent from producing the oath of the owner or ultimate consignee in every case, now required by law; or to provide that an importation may consist of less than the whole number of parcels contained in any packed package, or packed packages consigned in one vessel at one time, to one importer, consignee or agent.

Repeal.

SEC. 3. That all provisions of law inconsistent herewith are hereby repealed. [*May* 1, 1876.]

NOTE.—(1) This whole act is printed in the second edition of the Revised Statutes between sections 2841 and 2842.

CHAPTER 90.

AN ACT REVISING AND AMENDING THE VARIOUS ACTS ESTABLISHING AND RELATING TO THE REFORM-SCHOOL IN THE DISTRICT OF COLUMBIA.

May 3, 1876.
19 Stat. L., 90.

SECTION
1. Reform School in District of Columbia; how governed.
— president of board.
2. — to be a corporation.
3. — superintendent and other employés.
4. — treasurer; his bond and duties.
5. Superintendent to give bond.
6. — to reside at institution; his and other officers' duties.
7. — to have charge of lands, buildings, &c., keep books, account for money, &c.
— books of, open to inspection.
8. Commitment of boys to.
President of trustees may commit certain boys.
9. Period of detention.
10. When school is full, commitments suspended.
11. Enticing away or harboring boys committed; how punished.
Police may arrest escaped boys.
12. Boys to be employed.
— may be apprenticed.
13. — pay for support of.
14. Contracts for institution; how made.
President of board to be executive officer and to make reports.
15. By-laws, &c.
16. Consulting trustees; how appointed.
17. Repeal.

Be it enacted, &c.

Reform School in District Columbia; how governed. 1880, June 4, ch. 121, § 1, par. 1.

[SECTION 1], That the institution known as the Reform-School of the District of Columbia shall be in the charge of, and governed and managed by, a board of seven trustees, who shall be appointed by the President of the United States, upon the recommendation of the Attorney-General, each for the term of three years, but in such a manner that the terms of not more than three of them shall expire within any one or the same year;

—president of board.

That one of the trustees shall be elected president of the board, whose duty shall be prescribed by the board.

Reform School in District of Columbia to be a corporation.

SEC. 2. That the board of trustees shall be a corporation by the name of the "Board of Trustees of the Reform-School of the District of Columbia," for the purpose of taking and holding, in trust for the United States property of every description which has been purchased, appropriated, or set apart for the use of the institution, or which may hereafter be purchased, appropriated, or set apart for its use, or given or bequeathed to it, or to the said board, for its use, with all power necessary to carry this purpose into effect, and to protect and preserve such property, including the land and buildings, fences, stock, fruit, crops, and trees of all kinds.

—superintendent and other employés.

SEC. 3. That the board of trustees may appoint a superintendent, two or more teachers or assistants, and a matron whose salaries are fixed by law; they may also employ two or more master-mechanics, a farmer, a gardener, and such other persons, as servants and laborers, as may be necessary, and fix their compensation, subject to the approval of the Attorney General.

—treasurer of; his bond and duties.

SEC. 4. That the board of trustees shall appoint a treasurer, who shall, before entering upon the duties of his office, give a bond to the United States with two or more sureties, to be approved by the First Comptroller of the Treasury, in the sum of twenty thousand dollars, or a larger sum, at the option of the said Comptroller, conditioned that he shall faithfully account for all the money received by him as treasurer;

And it shall be his duty to keep a clear and full record of his accounts as treasurer, and report an abstract of the same to the board of trustees once in every two months, and shall also make an annual report to the board of trustees.

Superintendent to give bond.

SEC. 5. That before entering upon the duties of his office, the superintendent shall give a bond to the board of trustees, with sureties, to be approved by the Attorney General of the United States, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him, and faithfully perform all the duties incumbent on him as superintendent of said Reform School.

—to reside at institution; his and other officers' duties.

SEC. 6. That the superintendent shall reside at the institution constantly and that he, with such subordinate officers as may be appointed in accordance with the third section of this act, shall have the charge and custody of the boys; shall govern them in accordance with such rules and regulations as the board of trustees may prescribe in its by-laws; shall employ them in agricultural, mechanical or other labor; shall give them instruction in reading, writing, arithmetic, geography, and such other studies and in such arts and trades as the trustees may direct; and shall employ such methods of discipline as will, as far as possible, reform their characters, preserve their health, promote regular improvement in their studies and employments, and secure in them fixed habits of religion, morality, and industry.

—to have charge of lands, buildings, &c., keep books, account for money, &c.

SEC. 7. That the superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and every other species of property pertaining to the institution, within the precincts thereof, under the board of trustees, including the farm in possession of the board where the school was first located; and he shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and of all the property intrusted to him, so as to show clearly the income and expenses of the institution;

And he shall account, in such manner as the trustees may prescribe, for all the money received by him from the proceeds of the institution or otherwise; and he shall keep a register of the names and ages of all boys committed to the institution, with the dates of their admission and discharge, and such particulars of their history before and after leaving the institution as he can obtain.

—books of, open to inspection, &c.

His books and all documents relating to the Reform-School shall, at all times, be open to the inspection of the trustees, who shall, once or more in every month, carefully examine his accounts, and the vouchers and documents connected therewith, and make a record of the result of

such examination; and, once in every three months, the institution shall be thoroughly examined in all its departments by three or more of the trustees, and a report of such examination shall be made to the board.

Reform School of District Columbia, commitment of boys to.

SEC. 8. That whenever any boy under the age of sixteen years shall be brought before any court of the District of Columbia, or any Judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or Judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the Reform-School, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees.

And the Judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform-School, first any boy under sixteen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under sixteen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under sixteen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under sixteen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school.

President of trustees may commit certain boys.

And the president of the board of trustees may also commit to the Reform school such boys as are mentioned in the foregoing third and fourth classes upon application or complaint in writing of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths.

Period of detention.

SEC. 9. That every boy sent to the Reform School shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice; but no boy shall be retained after the superintendent shall have reported him fully reformed.

When school is full, commitments suspended.

SEC. 10. That whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon no boys shall be sent to the schools by the said courts until notice shall be given them by the president of the board that more can be received.

Enticing away or harboring boys committed; how punished.

SEC. 11. That if any person shall entice, or attempt to entice, away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, which shall be paid to the treasurer of the board of trustees;

Police may arrest escaped boys.

And any policeman shall have power, and it is hereby made his duty, to arrest any boy, when in his power so to do, who shall have escaped from said school, and return him thereto.

Boys to be employed.

SEC. 12. That the trustees shall have full power to place any boy committed as herein described, during his minority, at such employment and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, as they may see fit;

—may be apprenticed.

And they may, with the consent of any such boy, bind him out as an apprentice during his minority, or for a shorter period, to learn such trade and employment as in their judgment will tend to his future benefit; and the president of the board shall, for such purpose, have power

to execute and deliver, on behalf of the said board, indentures of apprenticeship for any such boy; and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District of Columbia, and be filed and kept among the records in the office of the Reform-School, and it shall not be necessary to record or file them elsewhere.

District to pay for support of boys in Reform-School. 1879, March 3, ch. 183, par. 3.

SEC. 13. That for the support of the boys sent to the Reform-School, as hereinbefore mentioned the District of Columbia shall pay to the board of trustees two dollars for each boy per week; and it shall be the duty of the superintendent to make out and render to the proper officers monthly accounts at the close of each month for the support of the boys in said school, which shall be paid on demand; and, if not paid within ten days from the time the account is presented, shall draw interest at the rate of one per centum per month until paid.

Contracts for institution; how made.

SEC. 14. That all contracts and purchases made for or on account of the institution shall be made in the name of the board and by whomsoever the board may direct.

President of board to be executive officer and to make reports.

The president of the board shall be its executive officer, and it shall be his duty to make an annual report to the Attorney General, to be accompanied by the annual report of the superintendent and treasurer.

By-laws, &c.

SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own and the government of the institution, its officers, employees, and inmates, as they may deem necessary and proper.

Consulting trustees; how appointed.

SEC. 16. That two consulting trustees shall be appointed, namely, one Senator of the United States, by the presiding officer of the Senate, for the term of four years, and one member of the House of Representatives, by the Speaker thereof, for the term of two years.

Repeal.

SEC. 17. That all acts and parts of acts incompatible with this act are hereby repealed. [*May* 3, 1876.]

CHAPTER 91.

May 5, 1876.

19 Stat. L., 52.

AN ACT TO EXCLUDE THE STATES OF MISSOURI AND KANSAS FROM THE PROVISIONS OF THE ACT OF CONGRESS ENTITLED "AN ACT TO PROMOTE THE DEVELOPMENT OF THE MINING RESOURCES OF THE UNITED STATES" APPROVED MAY TENTH EIGHTEEN HUNDRED AND SEVENTY-TWO.(1)

Public lands in Missouri and Kansas subject to disposal as agricultural lands without reference to deposit of minerals.

Public lands in Missouri and Kansas subject to disposal as agricultural lands without reference to deposits of minerals. R. S., §§ 2319–2337.

Be it enacted, &c., That within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral be, and they are hereby, excluded from the operation of the act entitled "An act to promote the development of mining resources of the United States" approved May tenth, eighteen hundred and seventy-two and all lands in said States shall be subject to disposal as agricultural lands. [*May* 5, 1876.]

NOTE—(1) The act of 1872, ch. 152 (17 Stat. L., 91), is incorporated into Revised Statutes in the sections noted in the margin.

CHAPTER 95.

May 13, 1876.

19 Stat. L., 53.

AN ACT TO DEFINE THE TAX ON FERMENTED OR MALT LIQUORS.

Tax on fermented or malt liquors not to be assessed on quantity of materials used, &c.

Tax on fermented or malt liquors not to be assessed on quantity of materials used, &c. R. S., §§ 3337, 3339. 95 U. S., 337.

Be it enacted, &c., That nothing contained in section three thousand three hundred and thirty-seven of the Revised Statutes of the United States shall be so construed as to authorize an assessment upon the quantity of materials used in producing or purchased for the purpose of producing, fermented or malt liquors, nor shall the quantity of materials so used or purchased be evidence, for the purpose of taxation, of the quantity of liquor produced; but the tax on all beer, lager-beer, ale, porter, or other similar fermented liquor, brewed or manufactured, and sold or removed for consumption or sale, shall be paid as provided in section three thousand three hundred and thirty-nine of said statutes, and not otherwise:

Provided, That this act shall not apply to cases of fraud.

And provided further, That nothing in this act shall have the effect to change the present rules of law respecting evidence in any prosecution or suit [*May* 13, 1876.]

CHAPTER 102.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT ENTITLED 'AN ACT TO ENCOURAGE THE GROWTH OF TIMBER ON WESTERN PRAIRIES,'" APPROVED MARCH THIRTEENTH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.

May 20, 1876.
19 Stat. L., 54.

SECTION
1. Claimants to public lands on account of planting, &c., timber, whose trees are destroyed by grasshoppers, allowed extension of rights.
2. Planting seeds, nuts, or cuttings deemed compliance with law, but to be replanted in certain cases, &c.
3. Trees, &c., may be planted in separate bodies.

Be it enacted, &c.

[SECTION 1], That section three of the act entitled(1) "An act to amend the act entitled 'An act to encourage the growth of timber on the western prairies,'" is hereby amended by adding thereto the following further proviso:

Claimants to public land on account of planting, &c., timber, whose trees are destroyed by grasshoppers, allowed extension of rights.
R. S., §§ 2317, 2464–2468.
1874, March 13, ch. 55.
1878, June 3, ch. 152.
1878, June 14, ch. 190, § 2.
1879, July 1, ch. 63, § 2.

Provided, further, That whenever a party holding a claim under the provisions of this act, or whenever making final proof under the same, shall prove by two good and credible witnesses that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years while holding said claim, said year or years in which said trees were so destroyed shall not work any forfeiture of any of the rights or privileges conferred by this act; and the time allowed by this act in which to plant the trees and make final proof shall be extended the same number of years as the trees planted on the said claim were destroyed in the manner specified in this section.

SEC. 2. That the planting of seeds, nuts, or cuttings shall be considered a compliance with the provisions of the timber-culture act:

Planting seeds, nuts, or cuttings deemed compliance with law, but to be replanted in certain cases, &c.
R. S., §§ 2317, 2464–2468.
1874, June 3, ch. 55.
1878, June 14, ch. 190.

Provided, That such seeds, nuts, or cuttings of the kind and for the purpose contemplated in the original act shall be properly and well planted, the ground properly prepared and cultivated; and in case such seeds, nuts, or cuttings should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other inevitable accident, that the ground shall be replanted or the vacancies filled within one year from the first planting:

Provided, further, That parties claiming the benefit of the provisions of this act shall prove, by two good and credible witnesses, that the ground was properly prepared and planted in such seeds, nuts, or cuttings, and were so destroyed by inevitable accident in such year.

SEC. 3. That it shall not be necessary to plant trees, seeds, nuts, or cuttings in one body, provided the several bodies, not exceeding four in number, planted by measurement, aggregate the amount required and in the time required by the original and amended act. [*May* 20, 1876.]

Trees, &c., may be planted in separate bodies.
R. S., §§ 2317, 2464–2468.
1874, June 3, ch. 55.

NOTE.—(1) The act of 1874, March 13, ch. 55, here referred to, seems to be superseded by the act of 1878, June 14, ch. 190, which makes new provisions on the subject.

CHAPTER 103.

AN ACT RELATING TO INTERMENTS IN THE CONGRESSIONAL CEMETERY.

May 23, 1876.
19 Stat. L., 54.

Monuments to be erected to deceased Senators and Representatives interred in Congressional Cemetery.

Be it enacted, &c., That hereafter whenever any deceased Senator or Member of the House of Representatives shall be actually interred in the Congressional Cemetery, so-called, it shall be the duty of the Sergeant-at-Arms of the Senate, in the case of a Senator, and of the Sergeant-at-Arms of the House of Representatives, in the case of a member

Monuments to be erected to deceased Senators and Representatives interred in Congressional Cemetery.

1848, July 25, ch. 109, § 2 (9 Stat. L., 250).
1858, May 18, ch. 38, § 1 (11 Stat. L., 289).

of the House, to have a monument erected, of granite, with suitable inscriptions, and the cost of the same shall be a charge upon and paid out either from the contingent funds of the Senate or of the House of Representatives, to whichever the deceased may have belonged, and any existing omissions of monuments or inscriptions, as aforesaid, are hereby directed and authorized to be supplied in like manner, and all laws upon the subject of monuments in the Congressional Cemetery are hereby repealed. [*May* 23, 1876.]

CHAPTER 104.

May 23, 1876.

AN ACT TO EXTEND THE TIME TO PRE-EMPTORS ON THE PUBLIC LANDS

19 Stat. L., 55.

Pre-emptors whose crops have been destroyed by grasshoppers within past two years allowed further time to make proof and payment.

Pre-emptors whose crops have been destroyed by grasshoppers within past two years allowed further time to make proof and payment.
1877, March 3, ch. 127.

Be it enacted, &c., That whenever any pre emptor on public lands or Indian reservations shall make satisfactory proof, at the local land office, under rules and regulations to be prescribed by the Secretary of the Interior, that the crops upon the lands occupied by him have been destroyed by grasshoppers within two years prior to the passage of this act, the time within which such pre-emptor is required to make final proof and payment is hereby extended two years. [*May* 23, 1876.]

CHAPTER 105.

May 23, 1876.

AN ACT EXTENDING THE TIME WITHIN WHICH HOMESTEAD ENTRIES UPON CERTAIN LANDS IN MICHIGAN MAY BE MADE.

19 Stat. L., 55.

Unoccupied lands of Ottawa and Chippewa Indians; patents to issue for part, and remainder subject to homestead entry.

Unoccupied, &c., lands of Ottawa and Chippewa Indians; patents to issue for part, and remainder subject to homestead entry.
R. S., §§ 2313–2316.
1875, March 3, ch. 188, § 1.

Be it enacted, &c., That section one (1) of an act entitled "An act to amend an act entitled 'An act for the restoration to market of certain lands in Michigan,' approved June tenth, eighteen hundred and seventy-two,"(1) approved March third, eighteen hundred and seventy-five, be, and hereby is, amended so as to read as follows:

That the act approved June tenth, eighteen hundred and seventy-two, entitled "An act for the restoration to market of certain lands in Michigan," be, and is hereby, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawas and Chippewas of Michigan for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of Indian Affairs; and the remainder of said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws. [*May* 23, 1876.]

NOTE.—(1) The act of 1872, ch. 224 (17 Stat. L., 381), here referred to, is incorporated into Revised Statutes in the sections noted in the margin.

CHAPTER 122.

June 10, 1876.

AN ACT TRANSFERRING THE CUSTODY OF CERTAIN INDIAN TRUST-FUNDS

19 Stat. L., 58.

SECTION
1. Treasurer of United States to be custodian of Indian trust securities.
— to collect and pay over to Secretary of Interior.
SECTION
Treasurer of United States to make future purchases and sales.
— without affecting supervisory power of Secretary of Interior.

Treasurer of United States to be custodian of Indian trust securities.

Be it enacted, &c., That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes shall, within thirty days

from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof; R. S., § 3659. 1874, June 20, ch. 388, par. 2; 1880. April 1, ch. 41. 1880, May 11, ch. 85, § 6.

Treasurer to collect interest and pay over to Secretary of Interior.

And it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor, in favor of the Secretary of the Interior, as trustees for various Indian tribes.

—to make future purchases and sales. R. S., §§ 2095–2097, 3659.

And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty-stipulations or by acts of Congress when requested so to do by the Secretary of the Interior:

—without affecting supervisory powers of Secretary of Interior.

Provided, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned. [*June* 10, 1876.]

CHAPTER 133.

AN ACT TO AMEND IN SECTION FIFTY-TWO HUNDRED AND SEVENTY-ONE OF THE REVISED STATUTES OF THE UNITED STATES, RELATING TO EXTRADITION.

June 19, 1876.
19 Stat. L., 59.

Evidence in cases of complaint, &c., for extradition of fugitives from justice from foreign countries.

Evidence in cases of complaint, &c., for extradition of fugitives from justice from foreign countries. Substitute for. R. S., § 5271. 14 Howard, 103. 5 Blatch., 414. 7 Blatch., 345. 14 Blatch., 137. 4 Dill., 412, 416.

Be it enacted, &c., That section fifty-two hundred and seventy-one of the Revised Statues be amended so as to read as follows: (1)

"In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers offered in evidence, shall be admitted and received for the purpose of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped, and copies of any such depositions, warrants or other papers, shall, if authenticated according to the law of such foreign country, be in like manner received as evidence;

And the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any such deposition, warant or other paper, or copy thereof, is authenticated in the manner required by this section." [*June* 19, 1876.]

NOTE.—(1) This act has been incorporated into the second edition of the Revised Statutes in § 5271.

CHAPTER 134.

June 19, 1876.
19 Stat. L., 59.

AN ACT TO AMEND "AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS, APPROVED DECEMBER TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-FOUR, AND FOR OTHER PURPOSES.

Time extended to pre-emptors, &c., for making proof where crops have been destroyed by grasshoppers.

Act extended to settlers under act to encourage growth of timber.

Time extended to pre-emptors, &c., for making proof where crops have been destroyed by grasshoppers. 1874, Dec. 28, ch. 10.

Be it enacted, &c., That all the rights and privileges granted by "An act for the relief of certain settlers on the public lands, approved December twenty-eight, one thousand eight hundred and seventy-four, are hereby extended for one year after the expiration of the time named in said act.

Act extended to settlers under act to encourage growth of timber.
R. S., §§ 2317, 2464-2468.
1879, July 1, ch. 63.

And all the rights and privileges extended by this act to homestead and preëmption settlers, shall apply to, and include, the settlers under an act entitled "An Act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three and the acts amendatory thereof.(1) [*June* 19, 1876.]

NOTE.—(1) The act of 1873, ch. 277 (17 Stat. L., 605), here referred to, is incorporated in the Revised Statutes in the sections noted in the margin.

CHAPTER 136.

June 20, 1876.
19 Stat. L., 60.

AN ACT RELATING TO THE EXECUTION OF CUSTOM-HOUSE BONDS.

Bonds of partnerships for payment of customs duties may be executed by one member in name of firm.

Bonds of partnerships for payment of customs duties may be executed by one member in name of firm.
R. S., §§ 2776-2778, 2825, 2842, 2925.

Be it enacted, &c., That when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares or merchandise, imported into the United States by such firm or partnership, the execution of such bond by any member of such firm or partnership, in the name of said firm or partnership, shall bind the other members or partners thereof, in like manner and to the same extent, as if such other members or partners had personally executed the same.

And any action or suit may be instituted on such bond against all the members or partners of such firm, as if all of the members or partners had executed the same. [*June* 20, 1876.]

CHAPTER 137.

June 20, 1876.
19 Stat. L., 60.

AN ACT ESTABLISHING CHEBOYGAN, IN THE STATE OF MICHIGAN, A PORT OF DELIVERY.

Cheboygan made port of entry instead of Duncan City.

Cheboygan made port of delivery, instead of Duncan City.
R. S., § 2599, par. 1.

Be it enacted, &c., That Cheboygan, in the State of Michigan, being within the collection district of Michigan, be, and the same hereby is, declared a port of delivery instead of Duncan City; and the office of deputy collector now located at Duncan City be, and the same is hereby, removed to Cheboygan. And all acts and parts of acts declaring Duncan City a port of entry are hereby repealed. [*June* 20, 1876.]

CHAPTER 146.

June 26, 1876.
19 Stat. L., 61.

AN ACT TO REDUCE THE NUMBER AND INCREASE THE EFFICIENCY OF THE MEDICAL CORPS OF THE UNITED STATES ARMY.

Number of assistant surgeons in Army.
Medical storekeeper abolished.
Additional grade of surgeons established.

Number of assistant surgeons in Army.
R. S., § 1168.

Be it enacted, &c., That the number of assistant surgeons now allowed by law shall be reduced to one hundred and twenty-five;

Medical storekeepers abolished.

That the office of medical storekeeper is hereby abolished;

Additional grades of surgeons established.
R. S., § 1168.

That from and after the passage of this act, in addition to the grades now allowed by law, there shall be four surgeons with the rank, pay, and emoluments of colonel; eight surgeons with the rank, pay and emoluments of lieutenant-colonels, to be promoted by seniority from the medical officers of the Army;

That this shall not be construed to deprive any medical officer or storekeeper now in office of his commission in the United States Army. [*June* 26, 1876.]

CHAPTER 147.

AN ACT TO FURTHER THE ADMINISTRATION OF JUSTICE IN THE STATE OF COLORADO.

June 26, 1876.

19 Stat. L., 61.

SECTION

1. Colorado: subject to laws of United States.
— to constitute a judicial district, with a judge, marshal, and district attorney.
— part of eighth judicial circuit.
— circuit and district courts in, when and where held, and juries for.
2. Jurisdiction of circuit and district courts in.
3. Salary of district judge.
4. Marshal, district attorney, clerk of courts, and other officers of courts in.
5. Appeals from, and writs of error in Supreme Court of United States.
Succession to supreme court of Territory.
6. Judgment of supreme court of Territory; how appealed from, &c.
7. District judge of Nebraska to act temporarily.
8. Transfer of cases from Territorial courts to district and circuit courts.

Be it enacted, &c.

Colorado subject to laws of United States.
1875, March 3, ch. 139.
4 Dillon, 251.

[SECTION 1], That when the State of Colorado shall be admitted into the Union, according to the provisions of the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March third, eighteen hundred and seventy-five,(1) the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States;

— to constitute a judicial district, with a judge, marshal, and district attorney.
R. S., § 530.
1879, Feb. 15, ch. 82.

And said State shall constitute one judicial district, to be called the district of Colorado; and for said district a district judge and a marshal and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties provided by law for similar officers in the other States, except as herein otherwise provided;

— part of eighth judicial circuit.
R. S., § 604.

And said district of Colorado shall be attached to, and constitute a part of, the eighth judicial circuit;

— circuit and district courts in; when and where held, and juries for.
R. S., §§ 572, 658.
1880, April 20, ch. 58.

And a term of the circuit court and district court for said district shall be held at Denver in said State on the first Tuesday of July and the first Tuesday of December in each year.

And one grand jury and one petit jury only shall be summoned and serve in both of said courts.

Jurisdiction of circuit and district courts in.
R. S., §§ 563, 629.

SEC. 2. That the circuit and district courts for the district of Colorado, and the judges thereof respectively, shall possess the same powers and jurisdiction, and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

Salary of district judge.
R. S., § 554.

SEC. 3. That the district judge appointed for the district of Colorado shall receive as his compensation the sum of three thousand five hundred dollars a year, payable in four equal installments on the first days of January, April, July, and October of each year.

Marshal, district attorney, clerk of courts, and other officers of courts in.
R. S., §§ 555, 619, 627, 776, 824–829.

SEC. 4. That the marshal, district attorney, and the clerk of the circuit and district courts of said district of Colorado, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular officer or district.

Appeals from and writs of error in Supreme Court of United States.
R. S., § 702.

SEC. 5. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Colorado, or that may hereafter be lawfully prosecuted from said court, may be heard and determined by the Supreme Court of the United States, and the remand of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district

NOTE.—(1) The President issued his proclamation August 1, 1876, hereinafter printed, 1876, No. 6, declaring the admission of Colorado as a State into the Union.

court of the district of Colorado, or to the supreme court of the State of Colorado, as the nature of the case may require;

Succession to supreme court of Territory.

And each of said last-mentioned courts shall be the successor of the supreme court of Colorado Territory as to all such cases, with full power to proceed with the same and to award mesne or final process therein.

Judgments of supreme court of Territory; how appealed from, &c.

SEC. 6. That from all judgments and decrees of the supreme court of the Territory of Colorado prior to its admission as a State, the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court as they shall have had by law prior to the admission of said State into the Union.

District judge of Nebraska to act temporarily.

SEC. 7. That until the judge for said district of Colorado shall be duly appointed and qualified, the district judge of the United States for the district of Nebraska shall act as the district judge of the district of Colorado, and shall have and exercise the same jurisdiction and powers in the district hereby created as he has in the district of Nebraska.

Transfer of cases from Territorial courts to district and circuit courts. 4 Dillon, 264, 265.

SEC. 8. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Colorado at the time of the admission of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had said courts existed at the time of the commencement of such cases, the said circuit and district courts respectively shall be the successors of said supreme and district courts of said Territory; and all the files, records and proceedings relating thereto shall be transferred to said circuit and district courts respectively, and the same shall be proceeded with therein in due course of law. [*June* 26, 1876.]

CHAPTER 154.

June 29, 1876.

19 Stat. L., 62.

AN ACT TO AMEND SECTION ONE THOUSAND NINE HUNDRED AND ELEVEN OF THE REVISED STATUTES OF THE UNITED STATES DEFINING THE JURISDICTION OF THE COURTS IN WASHINGTON TERRITORY.

District courts in Washington Territory have jurisdiction in all cases under laws of United States.

District courts in Washington Territory have jurisdiction in all cases under laws of United States. R. S., § 1911.

Be it enacted, &c., That section one thousand nine hundred and eleven of the Revised Statutes of the United States be amended by inserting the words "and laws" after the word "Constitution" in the latter clause of said section. (1) [*June* 29, 1876.]

NOTE.—(1) This amendment has been incorporated in the proper section in the second edition of the Revised Statutes.

CHAPTER 156.

June 30, 1876.

19 Stat. L., 63.

AN ACT AUTHORIZING THE APPOINTMENT OF RECEIVERS OF NATIONAL BANKS, AND FOR OTHER PURPOSES.

SECTION

1. Receiver may be appointed when national bank violates any provision of law or neglects for thirty days to pay a judgment, or becomes insolvent.
2. Individual liability of shareholders in case of liquidation; how enforced.
3. When bank in hands of receiver has paid all creditors, &c., stockholders may elect agent to manage its affairs and effects of bank to be turned over to him.
   Powers of agent.
   Votes for agent on shares of deceased owners, how given.
4. Sale of stock of shareholder refusing to pay assessment.
5. Disbursing officers and bank officers to stamp counterfeit, altered, and worthless notes.
6. Savings and trust companies under United States laws to make and publish reports.
   —in District of Columbia to be subject to national banking laws.

Receiver may be appointed when national bank violates any provision of law, or neglects for thirty days to pay a judgment, or becomes insolvent. R. S., §§ 5234, 5239.

Be it enacted, &c.

[SECTION 1], That whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section fifty-two hundred and thirty-nine of the Revised Statutes of the United States, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and

has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver, who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section fifty-two hundred and thirty-four of said statutes.

Individual liability of shareholders in case of liquidation; how enforced.
R. S., §§ 5151, 5220.

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

When bank in hands of receiver has paid all creditors, &c., stockholders may elect agent to manage its affairs, and effects of bank to be turned over to him.
R. S., §§ 5141, 5191, 5194, 5201, 5234, 5236

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section fifty two hundred and thirty-four and other sections of said statutes, and when, as provided in section fifty-two hundred and thirty-six thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote;

And when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them;

And for this purpose, said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and released from any and all liabilities to such associations, and to each and all of the creditors and shareholders thereof;

Powers of agent.

And such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on.

Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares, may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such asso-

court of the district of Colorado, or to the supreme court of the State of Colorado, as the nature of the case may require;

Succession to supreme court of Territory.

And each of said last-mentioned courts shall be the successor of the supreme court of Colorado Territory as to all such cases, with full power to proceed with the same and to award mesne or final process therein.

Judgments of supreme court of Territory; how appealed from, &c.

SEC. 6. That from all judgments and decrees of the supreme court of the Territory of Colorado prior to its admission as a State, the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court as they shall have had by law prior to the admission of said State into the Union.

District judge of Nebraska to act temporarily.

SEC. 7. That until the judge for said district of Colorado shall be duly appointed and qualified, the district judge of the United States for the district of Nebraska shall act as the district judge of the district of Colorado, and shall have and exercise the same jurisdiction and powers in the district hereby created as he has in the district of Nebraska.

Transfer of cases from Territorial courts to district and circuit courts. 4 Dillon, 264, 265.

SEC. 8. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of Colorado at the time of the admission of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had said courts existed at the time of the commencement of such cases, the said circuit and district courts respectively shall be the successors of said supreme and district courts of said Territory; and all the files, records and proceedings relating thereto shall be transferred to said circuit and district courts respectively, and the same shall be proceeded with therein in due course of law. [*June* 26, 1876.]

CHAPTER 154.

June 29, 1876.

19 Stat. L., 62.

AN ACT TO AMEND SECTION ONE THOUSAND NINE HUNDRED AND ELEVEN OF THE REVISED STATUTES OF THE UNITED STATES DEFINING THE JURISDICTION OF THE COURTS IN WASHINGTON TERRITORY.

District courts in Washington Territory have jurisdiction in all cases under laws of United States.

District courts in Washington Territory have jurisdiction in all cases under laws of United States. R. S., § 1911.

Be it enacted, &c., That section one thousand nine hundred and eleven of the Revised Statutes of the United States be amended by inserting the words "and laws" after the word "Constitution" in the latter clause of said section. (1) [*June* 29, 1876.]

NOTE.—(1) This amendment has been incorporated in the proper section in the second edition of the Revised Statutes.

CHAPTER 156.

June 30, 1876.

19 Stat. L., 63.

AN ACT AUTHORIZING THE APPOINTMENT OF RECEIVERS OF NATIONAL BANKS, AND FOR OTHER PURPOSES.

SECTION
1. Receiver may be appointed when national bank violates any provision of law or neglects for thirty days to pay a judgment, or becomes insolvent.
2. Individual liability of shareholders in case of liquidation; how enforced.
3. When bank in hands of receiver has paid all creditors, &c., stockholders may elect agent to manage its affairs and effects of bank to be turned over to him.
Powers of agent.
Votes for agent on shares of deceased owners, how given.
4. Sale of stock of shareholder refusing to pay assessment.
5. Disbursing officers and bank officers to stamp counterfeit, altered, and worthless notes.
6. Savings and trust companies under United States laws to make and publish reports.
—in District of Columbia to be subject to national banking laws.

Receiver may be appointed when national bank violates any provision of law, or neglects for thirty days to pay a judgment, or becomes insolvent. R. S., §§ 5234, 5239.

Be it enacted, &c.

[SECTION 1], That whenever any national banking association shall be dissolved, and its rights, privileges, and franchises declared forfeited, as prescribed in section fifty-two hundred and thirty-nine of the Revised Statutes of the United States, or whenever any creditor of any national banking association shall have obtained a judgment against it in any court of record, and made application, accompanied by a certificate from the clerk of the court stating that such judgment has been rendered and

has remained unpaid for the space of thirty days, or whenever the Comptroller shall become satisfied of the insolvency of a national banking association, he may, after due examination of its affairs, in either case, appoint a receiver, who shall proceed to close up such association, and enforce the personal liability of the shareholders, as provided in section fifty-two hundred and thirty-four of said statutes.

Individual liability of shareholders in case of liquidation; how enforced.
R. S., §§ 5151, 5220.

SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association, by bill in equity, in the nature of a creditor's bill, brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in any court of the United States having original jurisdiction in equity for the district in which such association may have been located or established.

When bank in hands of receiver has paid all creditors, &c., stockholders may elect agent to manage its affairs, and effects of bank to be turned over to him.
R. S., §§ 5141, 5191, 5194, 5201, 5234, 5236

SEC. 3. That whenever any association shall have been or shall be placed in the hands of a receiver, as provided in section fifty two hundred and thirty-four and other sections of said statutes, and when, as provided in section fifty-two hundred and thirty-six thereof, the Comptroller shall have paid to each and every creditor of such association, not including shareholders who are creditors of such association, whose claim or claims as such creditor shall have been proved or allowed as therein prescribed, the full amount of such claims and all expenses of the receivership, and the redemption of the circulating notes of such association shall have been provided for by depositing lawful money of the United States with the Treasurer of the United States, the Comptroller of the Currency shall call a meeting of the shareholders of such association by giving notice thereof for thirty days in a newspaper published in the town, city, or county where the business of such association was carried on, or if no newspaper is there published, in the newspaper published nearest thereto, at which meeting the shareholders shall elect an agent, voting by ballot, in person or by proxy, each share of stock entitling the holder to one vote;

And when such agent shall have received votes representing at least a majority of the stock in value and number of shares, and when any of the shareholders of the association shall have executed and filed a bond to the satisfaction of the Comptroller of the Currency, conditioned for the payment and discharge in full of any and every claim that may hereafter be proved and allowed against such association by and before a competent court, and for the faithful performance and discharge of all and singular the duties of such trust, the Comptroller and the receiver shall thereupon transfer and deliver to such agent all the undivided or uncollected or other assets and property of such association then remaining in the hands or subject to the order or control of said Comptroller and said receiver, or either of them;

And for this purpose, said Comptroller and said receiver are hereby severally empowered to execute any deed, assignment, transfer, or other instrument in writing that may be necessary and proper; whereupon the said Comptroller and the said receiver shall, by virtue of this act, be discharged and released from any and all liabilities to such associations, and to each and all of the creditors and shareholders thereof;

Powers of agent.

And such agent is hereby authorized to sell, compromise, or compound the debts due to such association upon the order of a competent court of record or of the United States circuit court for the district where the business of the association was carried on.

Such agent shall hold, control, and dispose of the assets and property of any association which he may receive as hereinbefore provided for the benefit of the shareholders of such association as they, or a majority of them in value or number of shares, may direct, distributing such assets and property among such shareholders in proportion to the shares held by each; and he may, in his own name or in the name of such asso-

ciation, sue and be sued, and do all other lawful acts and things necessary to finally settle and distribute the assets and property in his hands.

Votes for agent on shares of deceased owners; how given.

In selecting an agent as hereinbefore provided, administrators or executors of deceased shareholders may act and sign as the decedent might have done if living, and guardians may so act and sign for their ward or wards.

Sale of stock of shareholder refusing to pay assessment. R. S., § 5205.

SEC. 4. That the last clause of section fifty-two hundred and five of said statutes is hereby amended by adding to the said section the following proviso: (1)

"*And provided*, That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto,) to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders.

Disbursing officers and bank officers to stamp counterfeit, altered, and worthless notes.

SEC. 5. That all United States officers charged with the receipt or disbursement of public moneys, and all officers of national banks, shall stamp or write in plain letters the word "counterfeit" "altered" or "worthless," upon all fraudulent notes issued in the form of, and intended to circulate as money, which shall be presented at their places of business; and if such officers shall wrongfully stamp any genuine note of the United States, or of the national banks, they shall, upon presentation, redeem such notes at the face-value thereof.

Savings and trust companies under United States laws to make and publish reports. R. S., §§ 5211-5213.

SEC. 6. That all savings-banks or savings and trust companies organized under authority of any act of Congress shall be, and are hereby, required to make, to the Comptroller of the Currency, and publish, all the reports which national banking-associations are required to make and publish under the provisions of sections fifty two hundred and eleven, fifty-two hundred and twelve and fifty two hundred and thirteen, of the Revised Statutes, and shall be subject to the same penalties for failure to make or publish such reports as are therein provided; which penalties may be collected by suit before any court of the United States in the district in which said savings banks or savings and trust companies may be located

—in District of Columbia to be subject to national banking laws. R. S., §§ 5133-5243.

And all savings or other banks now organized, or which shall hereafter be organized, in the District of Columbia, under any act of Congress, which shall have capital stock paid up in whole or in part, shall be subject to all the provisions of the Revised Statutes, and of all acts of Congress applicable to national banking associations, so far as the same may be applicable to such savings or other banks:

Provided, That such savings banks now established shall not be required to have a paid-in capital exceeding one hundred thousand dollars. [*June* 30, 1876.]

NOTE.—(1) This provision has been added to § 5205 in the second edition of the Revised Statutes.

CHAPTER 159.

June 30, 1876.
19 Stat. L., 65.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

Par. 1. In Navy, mileage allowed to officers at eight cents a mile.
Enlisted men to be reduced to seventy-five hundred.
Par. 2. Force at navy-yards not to be increased within sixty days before election, &c.
3. Officers of Marine Corps to be reduced to seventy-five.

Be it enacted, &c.

* * * * * * * *

In Navy, mileage allowed to officers

[*Par.* 1.] And so much of the act of June sixteenth, one thousand eight

hundred and seventy-four, making appropriations for the support of the Army for the fiscal year ending June thirtieth, one thousand eight hundred and seventy-five, and for other purposes, as provides that only actual traveling expenses shall be allowed to any person holding employment or appointment under the United States while engaged on public business, as is applicable to officers of the Navy so engaged, is hereby repealed;

And the sum of eight cents per mile shall be allowed such officers while so engaged, in lieu of their actual expenses.

at eight cents a mile.
R. S., § 1566.
1874, June 16, ch. 285, § 1.
1875, March 3, ch. 133, § 1, par. 1.
15 Opin. Att'y-Gen., 309.
14 Ct. Cl., 380.

And hereafter enlistments in the Navy shall cease until the number of enlisted men is reduced to seven thousand five hundred:

—enlisted men to be reduced to seventy-five hundred.

Provided, That section fourteen hundred and seventeen of the Revised Statutes shall be amended so as to read as follows:

Substitute for.
R. S., § 1417.

(**Rep.**) ["SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed seven thousand and five hundred."] (1)

Repeal and substitute, 1879, May 12, ch. 5.

* * * * * * *

[*Par.* 2.] And no increase of the force at any navy-yard shall be made at any time within sixty days next before any election to take place for President of the United States, or member of Congress, except when the Secretary of the Navy shall certify that the needs of the public service make such increase necessary at that time which certificate shall be immediately published when made.

Force at navy-yards not to be increased within sixty days before election, except, &c.
R. S., §§ 1543, 1544.

* * * * * * *

[*Par.* 3.] And from and after the passage of this act, there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, to seventy-five. [*June* 30, 1876.]

Officers of Marine Corps to be reduced to seventy-five.
R. S., § 1596.

NOTE.—(1) This amendment is incorporated into the second edition of the Revised Statutes in § 1417, but the whole is repealed and a substitute enacted by 1879, May 12, ch. 5.

CHAPTER 165.

AN ACT TO REPEAL SECTION TWO THOUSAND THREE HUNDRED AND THREE OF THE REVISED STATUTES OF THE UNITED STATES, MAKING RESTRICTIONS IN THE DISPOSITION OF THE PUBLIC LANDS IN THE STATES OF ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS AND FLORIDA, AND FOR OTHER PURPOSES. (1)

July 4, 1876.
19 Stat. L., 73.

Public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida to be disposed of as other public lands are.

—to be sold at public sale.

Be it enacted, &c., That section two thousand three hundred and three of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: (1)

Public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida to be disposed of as other public lands are.
R. S., § 2303.

Provided, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect, shall be subject to entry, pre-emption, or sale:

And provided, That the public lands affected by this act, shall be offered at public sale, as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered. [*Became a law without approval of President July* 4, 1876.]

—to be sold at public sale.
1877, Jan. 12, ch. 18.

NOTE.—(1) This act is incorporated into § 2303 of the second edition of the Revised Statutes.

CHAPTER 166.

July 5, 1876.
19 Stat. L., 74.

AN ACT TO EXTEND THE TIME FOR FILING CLAIMS FOR ADDITIONAL BOUNTY UNDER THE ACT OF JULY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SIXTY-SIX, WHICH EXPIRED, BY LIMITATION, ON JANUARY THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, UNTIL JULY FIRST, EIGHTEEN HUNDRED AND EIGHTY.

Time for filing claims for additional bounty extended to July, 1880, according to statute of 1866, printed in note.

Time for filing claims for additional bounty extended to July 1, 1880.

1866, ch. 296, §§ 12–16 (14 Stat. L., 322).

Be it enacted, &c., That the time for filing claims for additional bounty under the act of July twenty-eighth, eighteen hundred and sixty-six,(1) and which expired by limitation on the thirtieth day of January, eighteen hundred and seventy-five, be, and the same is hereby, revived and extended until the first day of July, eighteen hundred and eighty; and that all claims for such bounty filed in the proper department after the thirtieth day of January, eighteen hundred and seventy-five, and before the passage of this act, shall be, and the same are hereby declared to have been, filed in due time, and shall be considered and decided without refiling. [*July 5, 1876.*]

NOTE.—(1) By act of 1869, ch. 133, § 4 (15 Stat. L., 334), it was enacted that all claims for bounty under the provisions of the act of 1866, ch. 296 (14 Stat. L., 323), here referred to, should be void unless presented prior to December, 1869.

By act of 1870, ch. 253 (16 Stat. L., 254), the time for presenting claims was extended to January 13, 1871; by act of 1873, ch. 281 (17 Stat. L., 608), to January 13, 1874, and by act of 1874, ch. 303 (18 Stat. L., 79), to January 13, 1875.

The provisions of the act of 1866, ch. 296, extended by the above-mentioned acts and by this act, until July 1, 1880, are as follows:

Additional bounty of $100 to certain soldiers enlisted after April 19, 1861, for three years, and to widows, &c.

SEC. 12. That each and every soldier who enlisted into the army of the United States, after the nineteenth day of April, eighteen hundred and sixty-one, for a period of not less than three years, and having served the time of his enlistment has been honorably discharged, and who has received or who is entitled to receive from the United States under existing laws, a bounty of one hundred dollars and no more, and any such soldier enlisted for not less than three years, who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children or parents in the order named, of any such soldier who died in the service of the United States or of disease or wounds contracted while in the service, and in the line of duty, shall be paid the additional bounty of one hundred dollars hereby authorized.

—and $100 to soldiers who enlisted after April 14, 1861, for two years, and to widows, &c.

SEC. 13. That to each and every soldier who enlisted into the army of the United States, after the fourteenth day of April, eighteen hundred sixty-one, for a period of not less than two years and who is not included in the foregoing section, and has been honorably discharged after serving two years, and who has received or is entitled to receive from the United States, under existing laws, a bounty of one hundred dollars and no more, shall be paid an additional bounty of fifty dollars, and any such soldier enlisted for not less than two years who has been honorably discharged on account of wounds received in the line of duty, and the widow, minor children, or parents, in the order named, of any such soldier who died in the service of the United States, or of disease, or wounds contracted while in the service, and in the line of duty, shall be paid the additional bounty of fifty dollars hereby authorized.

Soldiers who have sold, assigned, loaned, &c., discharge papers, not entitled to bounties.

SEC. 14. That any soldier who shall have bartered, sold, assigned, transferred, loaned, exchanged, or given away his final discharge papers, or any interest in the bounty provided by this or any other act of Congress, shall not be entitled to receive any additional bounty whatever; and when application is made by any soldier for said bounty, he shall be required, under the pains and penalties of perjury, to make oath or affirmation of his identity, and that he has not so bartered, sold, assigned, transferred, exchanged, loaned, or given away either his discharge papers, or any interest in any bounty as aforesaid.

And no claim for such bounty shall be entertained by the paymaster-general, or other accounting or disbursing officer except upon receipt of the claimant's discharge papers, accompanied by the statement under oath, as by this section provided.

Accounts of soldiers for additional bounty to be examined and paid by Paymaster-General.

SEC. 15. That in the payment of the additional bounty herein provided for, it shall be the duty of the paymaster-general, under such rules and regulations as may be prescribed by the Secretary of War, to cause to be examined the accounts of each and every soldier who makes application therefor, and if found entitled thereto shall pay said bounties.

In payment, &c., of claims of widows and heirs, accounting officers to be governed by restrictions prescribed by Secretary of War, &c.

SEC. 16. That in the reception, examination, settlement, and payment of claims for said additional bounty due the widows or heirs of deceased soldiers, the accounting officers of the Treasury shall be governed by the restrictions prescribed for the paymaster-general by the Secretary of War, and the payment shall be made in like manner under the direction of the Secretary of the Treasury.

CHAPTER 167.

July 5, 1876.
19 Stat. L., 74.

AN ACT TO AMEND SECTION TWELVE HUNDRED AND TWENTY-FIVE OF THE REVISED STATUTES OF THE UNITED STATES.(1)

Officers of Army, not exceeding thirty, may be detailed as professors, &c., of colleges.

Officers of Army, not exceeding thirty, may be detailed as professors, &c., of colleges.

R. S., § 1225.

Be it enacted, &c., That section twelve hundred and twenty-five of the Revised Statutes of the United States be so amended as to read, "But the number of officers so detailed shall not exceed thirty at any time," instead of twenty, as in said section provided.(1) [*July 5, 1876.*]

NOTE.—(1) This amendment has been incorporated into the section in the second edition of the Revised Statutes.

CHAPTER 168.

AN ACT PROVIDING FOR THE SALE OF THE KANSAS INDIAN LANDS IN KANSAS TO ACTUAL SETTLERS, AND FOR THE DISPOSITION OF THE PROCEEDS OF THE SALE.

July 5, 1876.
19 Stat. L., 74.

SECTION
Preamble.
1. Bona-fide settlers on Kansas Indian lands may make payment for lands.
— not to commit waste on timber till last payment.
2. Remainder of trust-lands subject to entry by actual settlers.
— payment for, how made.
— bond against committing waste.

SECTION
2. — patents to issue.
Failure to make payment to work forfeiture, &c.
3. Secretary of Interior may cause new appraisement.
4. Testimony for settlers and purchasers; how taken and forwarded.
5. Net proceeds of sale; how disposed of.
Act subject to assent of Kansas Indians.

Preamble. 1872, ch. 141 (17 Stat. L., 85). *Treaty*, S. L., vol. 12, p. 1111. 1874, June 23, ch. 471. 1880, March 16, ch. 39.

Whereas, the Secretary of the Interior, in pursuance of an act approved May eighth, eighteen hundred and seventy-two, has caused to be appraised the lands heretofore owned by the Kansas tribe of Indians, in the State of Kansas, which by the terms of the treaty made by the United States and said Indians, and proclaimed November seventeenth, eighteen hundred and sixty, were to be sold for the benefit of said Indians; which appraisement also includes all improvements on the same, and the value of said improvements; distinguishing between improvements made by members of said Indian tribe, the United States, and white settlers; and

Whereas the appraisement thus made was so high that neither settlers nor purchasers were able to pay the same, and the said land has remained unsold from the passage of the act; Therefore,

Be it enacted, &c.

Bona-fide settlers on Kansas Indian lands may make payment for lands. 1880, March 16, ch. 39.

[SECTION 1], That each bona fide settler on any of the trust lands embraced in said act, heretofore reported as such by the commissioners appointed to make said appraisement, and the rejected claimants as bona fide settlers, who were recommended as such by Andrew C. Williams, acting under instructions to superintendent Hoag, from the Indian Office, dated October, twenty-fourth, eighteen hundred and seventy-two, be permitted to make payment of the appraised value of their lands to the local land-office at Topeka, Kansas, under such rules as the Commissioner of the General Land Office may adopt, in six equal annual instalments; the first instalment payable on the first of January, eighteen hundred and seventy-seven, and the remaining instalments payable annually from that time, and drawing interest at six per centum per annum until paid:

—not to commit waste on timber till last payment.

Provided, That where there is timber on any of the lands to be sold under the provisions of this act, the Secretary of the Interior shall require the purchaser to enter into bond, with approved security, that he shall commit no waste on the timber, or otherwise on said land until the last payment is made.

Remainder of trust-lands subject to entry by actual settlers.

SEC. 2. That all the remainder of the trust-lands and of the undisposed portion of the diminished reserve shall be subject to entry at the local land office at Topeka, Kansas, in tracts not exceeding one hundred and sixty acres, unless a legal subdivision of a section shall be fractional and found to contain a greater number of acres, only by actual settlers, under such rules and regulations as the Commissioner of the General Land Office may prescribe.

—payment for, how made.

And the parties making such entries shall be required to make payment of the appraised value of the land entered and occupied by each, in the following manner: One sixth at the time that the entry is made, and the remainder in five equal annual payments, drawing interest at six per centum per annum, and the Secretary of the Interior shall withhold title until the last payment is made;

—bond against committing waste.

And the Secretary of the Interior, where there is timber on the lands, shall, in addition, compel the purchaser to enter into bond, with approved security, to commit no waste by the destruction of timber or otherwise, on the premises, until final payment has been made;

—patents to issue.

And the Secretary of the Interior shall cause patents in fee-simple to be issued to all parties who shall complete purchases under the provisions of this act:

Failure to make payment to work forfeiture, &c.

Provided, That if any person or persons applying to purchase land under the provisions of this act shall fail to make payment or to perform any other conditions required by the provisions of this act, or by rules and regulations that may be prescribed in the execution hereof, within ninety days after such payment shall become due, or performance be required by the terms hereof, or by the rules and regulations which may be prescribed in the execution hereof, such person or persons shall forfeit all rights under the provisions of this act, and all claim or right to reimbursement or compensation for previous action or payment by said person or persons under the provisions hereof; and the land proposed to be purchased by such person or persons shall again be subject to sale as though no action had been had in regard to the same.

Secretary of Interior may cause new appraisement. 1880, March 16, ch. 39.

SEC. 3. That the Secretary of the Interior shall inquire into the correctness of the appraisement of these lands; and if he be satisfied that they have been appraised at more than their present cash value, he may appoint a new commission of three persons to re-appraise the same; the per diem and expenses of which, at the rates heretofore paid to such commissioners, shall be deducted from the proceeds of said lands.

Testimony for settlers and purchasers; how taken and forwarded.

SEC. 4. That in preparing or giving their testimony, all settlers or purchasers of land under the provisions of this act may have such testimony taken, after due and legal notice to the opposing party in interest, before any notary public or person qualified to administer an oath, and may forward such testimony with their application to the land offices or parties authorized to dispose of said lands, which testimony shall be received as if taken before the officers of such land office.

Net proceeds of sales; how disposed of. 1880, March 16, ch. 39, § 3.

SEC. 5. That the net proceeds arising from such sales, after defraying the expenses of appraisement and sale, which have heretofore or may hereafter be incurred, and also the outstanding indebtedness, principal and interest, of said Kansas tribe of Indians, which has heretofore been incurred under treaty stipulations, shall belong to said tribe in common, and may be used by the Commissioner of Indian Affairs, under direction of the President of the United States, in providing and improving for them new homes in the Indian Territory, and in subsisting them until they become self-sustaining; and the residue, not so required, shall be placed to their credit on the books of the Treasury, and bear interest at the rate of five per centum per annum, and be held as a fund for their civilization, the interest of which, and the principal, when deemed necessary by the President of the United States, may be used for such purpose:

Act subject to assent of Kansas Indians.

Provided, That no proceedings shall be taken under this act until the said Kansas Indians shall file their assent thereto with the Secretary of the Interior(1) [*July* 5, 1876.]

NOTE.—(1) On the 31st of May, 1877, the Kansas Indians agreed in council to the stipulations of this act upon condition that the three appraisers to be appointed should be nominated respectively by the Commissioner of Indian Affairs, the superintendent of the Central superintendency, and the agent for the Osages. This condition was acquiesced in by the Secretary of the Interior, and the appraisers were appointed accordingly.

CHAPTER 172.

July 8, 1876.

19 Stat. L., 76.

AN ACT AUTHORIZING THE NEBRASKA CITY BRIDGE COMPANY TO CONSTRUCT A PONTON RAILWAY-BRIDGE ACROSS THE MISSOURI RIVER AT NEBRASKA CITY IN OTOE COUNTY, NEBRASKA.

SECTION

1. Ponton railway-transit and wagon bridge at Nebraska City may be constructed by bridge company.
   — Draw in.
   — Lights on.
2. All railway companies may use the bridge. United States to have right of way for postal service, &c.
3. Suits for obstruction of river; where to be tried.
4. Act may be amended, &c. When and how alterations may be made.
5. Regulations for security of navigation. Plans.

Be it enacted, &c.

Ponton railway-transit and wagon

[SECTION 1], That it shall be lawful for the Nebraska City Bridge Company, a corporation having authority from the State of Nebraska

and from the State of Iowa, its successors and assigns, to build, maintain, and operate a ponton railway-transit and wagon-bridge across the Missouri River at Nebraska City, in the county of Otoe, and State of Nebraska; bridge at Nebraska City may be constructed by bridge company.

And said company, its successors or assigns, shall keep up or maintain a suitable ponton-draw of not less than three hundred feet in length; and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats or rafts; but in no case shall unreasonable delay occur in the opening of said draw before or after the passage of trains; —Draw in.

And the company, corporation, or individuals having the charge or control of said bridge shall, for the security of navigation, maintain, from sunset to sunrise, throughout the year, such lights on said bridge as may be required by the Light-House Board. —Lights upon.

SEC. 2. That all railway-companies desiring to use said ponton-bridge shall have, and be entitled to, equal rights and privileges in the use of the same, and in the use of the machinery and fixtures thereof, and of all approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties in case they shall not agree; All railway companies may use the bridge.

And the United States shall have the right of way for postal and telegraphic purposes across said bridge; and no greater charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge; United States to have right of way for postal service, &c.

And in case of any litigation arising from any obstruction, or alleged obstruction, to the navigation of the said Missouri River, created by the construction of said bridge under this act, the cause or question arising may be tried before the district or circuit court of the United States of any State wherein the obstruction exists. Suits for obstruction of river; where to be tried.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said Missouri River is hereby expressly reserved, without any liability to the Government for damages on account of the alteration or amendment of this act, or on account of the prevention or requiring the removal of any such obstructions; Act may be amended, &c.

And if any change be made in the plan of construction of said ponton-bridge, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be at the cost and expense of the owners thereof. Alterations; when and how may be made.

Said bridge shall be constructed, as near as may be practicable, upon the line heretofore surveyed and established by the Nebraska City Bridge Company. Location.

SEC. 4. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; Regulations for security of navigation.

And to secure that object, the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; Plans.

And until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built [*July* 8, 1876.]

CHAPTER 179.

July 12, 1876.
19 Stat. L., 78.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST-OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

SECTION

1. *Par.* 1. Advertisements of general mail-lettings to be posted, &c., and no others required.
Par. 2. Compensation to railroads for carrying mail to be reduced.
4. Report of Sixth Auditor; what to show, &c.; to be sent to Congress.
5. Postmasters to be divided into four classes, according to salaries.
6. —appointment and removal and term of office.
7. Salaries of postmasters of first three classes; how fixed and paid.
Duplicate returns of postmasters may be required.
Box-rents; how estimated.
8. Salaries of postmasters of fourth class.
Auditor to report when salary amounts to $1,000.
9. Biennial readjustment of salaries of first three classes.
10. Assignment of salaries to be in writing; when to take effect.
11. Distributing and separating offices, and additional pay allowed to postmasters.
12. No salary to exceed $4,000, except that at New York, which remains at $6,000.
13. Land-grant railroads to receive only 80 per cent. as much as other roads.
14. Stamped envelopes and newspaper-wrappers not to be sold for less than cost.
15. Rates of postage on newspapers and matter of third class.
What may be written or printed on matter of third class, &c.
Addresses on postal cards and circulars.
16. Repeal.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

Advertisements of general mail-lettings to be posted, &c., and no others required.
R. S., §§ 3826–3828, 3941.
1875, March 3, ch. 128.
1878, May 17, ch. 107.

[*Par.* 1.] That the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings.(1)

1879, March 3, ch. 180, § 1, par. 2. 1881, March 1, ch. 96, § 1, par. 1.

* * * * * * *

Compensation to railroads for carrying mail to be reduced.
R. S., § 4002.
1875, March 3, ch. 128.
1878, June 17, ch. 259, § 1.
15 Opin. Att'y-Gen., 169, 182, 482, 610.
16 Opin. Att'y-Gen., 196.

[*Par.* 2.] That the Postmaster General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-six, for transportation of mails on railroad-routes by reducing the compensation to all railroad companies for the transportation of mails ten per centum per annum from the rates fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes," approved March third, eighteen hundred and seventy-three, for the transportation of mails on the basis of the average weight.(2)

* * * * * * *

Report of Sixth Auditor; what to show, and to be sent to Congress.
R. S., §§ 196, 277, par. 7.

SEC. 4. That the annual reports of the Auditor of the Treasury for the Post-Office Department to the Postmaster General shall show the financial condition of the Post-Office Department at the close of each fiscal year, and be made a part of the Postmaster-General's annual report to Congress for that fiscal year.

Repeal of.
1874, June 23, ch. 456, § 11.

That section eleven of the act approved June twenty-third, eighteen hundred and seventy-four, be, and is hereby, repealed, and that the following be enacted in lieu thereof.

Postmasters to be divided into four classes.
R. S., § 3852.

SEC. 5. That the postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are three thousand dollars or more than three thousand dollars;

The second class shall embrace all those whose annual salaries are less than three thousand dollars, but not less than two thousand dollars;

The third class shall embrace all those whose annual salaries are less than two thousand dollars, but not less than one thousand dollars;

The fourth class shall embrace all postmasters whose annual compen-

NOTES.—(1) This provision is repeated in the act of 1877, ch. 110 (19 Stat. L., 333), and 1878, ch. 259 (20 Stat. L., 141), and the act of 1880, June 11, ch. 206 (21 Stat. L., 177).
(2) The provisions of the act of 1873, ch. 231, § 1 (17 Stat. L., 556), here referred to, are incorporated into Revised Statutes in § 4002.

sation, exclusive of their commissions on the money-order business of their offices, amounts to less than one thousand dollars.

Postmasters; appointment, removal, and term of office of. R. S., § 3830.

SEC. 6. Postmasters of the first, second, and third classes shall be appointed and may be removed by the President by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law; and postmasters of the fourth class shall be appointed and may be removed by the Postmaster-General, by whom all appointments and removals shall be notified to the Auditor for the Post-Office Department.

Salaries of postmasters of first three classes; how fixed and paid. R. S., §§ 3952–3960.

SEC. 7. That the respective compensations of postmasters of the first, second, and third classes shall be annual salaries, assigned in even hundreds of dollars, and payable in quarterly payments, to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the Auditor for the Post-Office Department, or copies or duplicates thereof, for four quarters immediately preceding the adjustment or re-adjustment, by adding to an amount of the box-rents of the office received or estimated not exceeding thirteen hundred and fifty dollars when the boxes are supplied and owned by the postmaster, and two thirds of the box-rents, and not to exceed one thousand dollars when the boxes are not supplied and owned by the postmaster, commissions on all other postal revenues of the office to an amount not exceeding thirteen hundred and fifty dollars, at the following rates, namely:

On the first one hundred dollars per quarter, sixty per centum;

On all over one hundred dollars and not over three hundred dollars per quarter, fifty per centum;

On all over three hundred dollars and not over seven hundred dollars per quarter, forty per centum;

And thirty per centum on all revenues exceeding seven hundred dollars per quarter,

But the aggregate of the said commissions not to exceed thirteen hundred and fifty dollars;

And at all offices where the total revenues exceed, respectively, four thousand dollars per annum, there shall be added to the compensation hereinbefore provided from box-rents and commissions a percentage of the gross revenues at the following rates, namely:

One per centum on all sums over four thousand dollars and not exceeding ten thousand dollars;

Nine-tenths of one per centum on all sums over ten thousand dollars and not exceeding twenty thousand dollars;

Eight-tenths of one per centum on all sums over twenty thousand dollars and not exceeding forty thousand dollars;

Six-tenths of one per centum on all sums over forty thousand dollars and not exceeding eighty thousand dollars;

Five-tenths of one per centum on all sums over eighty thousand dollars and not exceeding one hundred and sixty thousand dollars;

Four-tenths of one per centum on all sums over one hundred and sixty thousand dollars and not exceeding three hundred and twenty thousand dollars;

Three-tenths of one per centum on all sums over three hundred and twenty thousand dollars and not exceeding six hundred and forty thousand dollars;

"Not" *stricken out by resolution of* 1876, *July* 25, *No.* 18, *p.* 255.

Two-tenths of one per centum on all sums [*not*] over six hundred and forty thousand dollars and not exceeding one million two hundred and eighty thousand dollars;

And one-tenth of one per centum on all sums exceeding one million two hundred and eighty thousand dollars;

Duplicate returns of postmasters may be required.

And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General may require postmasters to furnish duplicates of their quarterly returns to the Auditor at such times and for such periods as he may deem necessary in each case:

Box-rents; how estimated.

Provided, That at offices where the letter-carrier system is now, or may hereafter be, established, the box-rents, in fixing the compensation

of the respective postmasters at such offices, shall be estimated at not less than one thousand dollars per annum;

But at all such offices where the compensation is now four thousand dollars, they shall be estimated at an amount which, with the commissions and percentages hereby allowed, will make the salaries of the postmasters thereat not less than three thousand dollars.

Salaries of postmasters of fourth class.
R. S., §§ 3852–3860.
1878, June 17, ch. 259, § 1.

SEC. 8. That the compensation of postmasters of the fourth class shall be the box-rents collected at their offices, and commissions on other postal revenues of their offices at the following rate, namely:

On the first one hundred dollars or less per quarter, sixty per centum;

On all over one hundred dollars and not over three hundred dollars per quarter, fifty per centum;

And all over three hundred dollars per quarter, forty per centum;

The same to be ascertained and allowed by the Auditor in the settlement of the quarterly accounts of such postmasters:

Auditor to report when compensation amounts to $1,000.

Provided, That when the aggregate annual compensation, exclusive of commissions on money-order business, of any postmaster of this class shall amount to one thousand dollars, the Auditor shall report such fact to the Postmaster-General, in order that such postmaster may be assigned to his proper class, and his salary fixed as heretofore provided.

Biennial re-adjustment of salaries of first three classes.
R. S., §§ 3854–3857.

SEC. 9. That the salaries of postmasters of the first, second, and third classes shall be re-adjusted by the Postmaster-General once in two years, and in special cases, on the application of the postmaster, as much oftener as the Postmaster-General may deem expedient.

Assignment of salaries to be in writing; when to take effect.
R. S., § 3856.

SEC. 10. That the Postmaster-General shall make all orders assigning or changing the salaries of postmasters in writing, and record them in his journal, and notify the change to the Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order:

Provided, That in cases of not less than fifty per centum increase or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such office to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment.

Distributing and separating offices; additional pay allowed to postmasters.
R. S., § 3859.

SEC. 11. That the Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third or fourth class, he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties, and the provisions of this act relating to and fixing the compensation or salaries of postmasters shall take effect on the first day of October next.

No salary to exceed $4,000, except that at New York, which remains at $6,000.
1875, June 23, ch. 456, § 11, sub-§ 81.

SEC. 12. No salary of any postmaster under this act shall exceed the sum of four thousand dollars per annum, except in the city of New York, which salary shall remain as now fixed by law; and no salary of any postmaster where the appointment is now presidential shall be reduced by the compensation herein established until the next re-adjustment below the sum of one thousand dollars per annum.

Land-grant railroads to receive only 80 per cent. as much as other roads.
R. S., § 4002.
1875, March 3, ch. 128.

SEC. 13. That rail-road-companies whose railroad was constructed in whole or in part by a land-grant made by Congress on the condition that the mails should be transported over their road at such price as Congress should by law direct shall receive only eighty per centum of the compensation authorized by this act.

14 Ct. Cl, 125. 15 Ct. Cls., 232. 16 Opin. Att'y-Gen., 481.

Stamped envelopes and newspaper-wrappers not to be sold for less than cost.
R. S., §§ 3914–3917.

SEC. 14. No stamped envelopes or newspaper-wrappers shall be sold by the Post-Office Department at less (in addition to the legal postage) than the cost, including all salaries, clerk-hire, and other expenses connected therewith.

Rates of postage on newspapers and

SEC. 15. That transient newspapers and magazines, regular publications designed primarily for advertising purposes, or for free circulation,

or for circulation at nominal rates, and all printed matter of the third class, except unsealed circulars, shall be admitted to and be transmitted in the mails at the rate of one cent for every two ounces or fractional part thereof, and one cent for each two additional ounces or fractional part thereof;

matter of third class.
R. S., §§ 3872, 3877, 3878.
1879, March 3, ch. 180, §§ 17, 22.

And the sender of any article of the third class of mail-matter may write his or her name or address therein, or on the outside thereof, with the word "from" above or preceding the same, or may write briefly or print on any package the number and names of the articles enclosed.

What may be written or printed on matter of third class, &c.
R. S., §§ 3886, 3887.

Publishers of newspapers and periodicals may print on the wrappers of newspapers or magazines sent from the office of publication to regular subscribers the time to which subscription therefor has been paid.

And addresses upon postal cards and unsealed circulars may be either written, printed, or affixed thereto, at the option of the sender.

Addresses on postal cards and circulars.

SEC. 16. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed [*July* 12, 1876.]

Repeal.

CHAPTER 180.

AN ACT FOR THE SUPPORT OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

July 12, 1876.
19 Stat. L., 83.

SECTION
18. Laws of Washington relating to water-taxes, &c., extended over District.
19. Law levying certain licenses, taxes, &c., repealed.

Be it enacted, &c. (1)

* * * * * * *

SEC. 18. That all laws and ordinances now in force in the city of Washington, relating to the payment and collection of water-taxes, water-rents, and taxation for water-mains be, and they are hereby, extended to and made operative over all parts of the District of Columbia where water taken from the United States aqueduct is used, and said taxes and rents shall be payable and collectible therein in the same manner and at the same rate as in the city of Washington for the year beginning January first eighteen hundred and seventy-six, and for each subsequent year.

Laws of Washington relating to water-taxes, &c., extended over District.

SEC. 19. That the twenty-third section of the act of the legislative assembly of the District of Columbia, entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August twenty third, eighteen hundred and seventy-one, clauses twenty, and thirty-five of the twenty first section of said act, and clause sixteen of said twenty-first section of said act as amended by the act amendatory thereof, approved June twenty, eighteen hundred and seventy-two, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed.(2) [*July* 12, 1876.]

Law levying certain license-taxes, &c., repealed.

NOTES.—(1) Of the omitted sections, those from 1 to 12 provide for taxes for one year. Sections 13 to 16 are identical with those of sections 13 to 16 of the act of 1875, ch. 162, printed herein at page 193.

(2) The sections of the acts of the legislative assembly of the District of Columbia repealed by this act fixed the rate of taxation on personal property in the District at seventy cents on a hundred dollars, provided that the tax on bonds and other securities should not exceed five per cent. of the income thereof. They also levied a license-tax on dealers in merchandise of four dollars on each thousand dollars of capital invested; a license-tax of twenty dollars on photographers, and a license-tax of two and four dollars on certain carts, wagons, &c.

CHAPTER 181.

AN ACT RELATIVE TO THE REDEMPTION OF UNUSED STAMPS.

July 12, 1876.
19 Stat. L., 88.

Unused stamps may be redeemed.
No allowance for documentary stamps, except two cent stamps.

Be it enacted, &c., That the fourteenth section of the act passed February eighth, eighteen hundred and seventy-five, entitled "An act to

Unused stamps may be redeemed;

repealing 1875, Feb. 8, ch. 36, § 14. R. S., § 3426. 1879, March 1, ch. 125, § 17.

amend existing customs and internal-revenue laws, and for other purposes," be, and the same is hereby, repealed; and all unused stamps shall be redeemed when properly presented, as was done prior to the passage of the aforesaid act:

No allowance for documentary stamps, except two-cent stamps, &c. R. S., § 3426. 15 Opin. Att'y-Gen., 426.

Provided, That from and after the passage of this act no allowance shall be made for documentary stamps, except those of the denomination of two cents, which when presented to the Commissioner of Internal Revenue are not found to be in the same condition as when issued by the Internal Revenue Department, or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history thereof from their issue to their presentation as aforesaid. [*July* 12, 1876.]

CHAPTER 183.

July 12, 1876.

19 Stat. L., 88.

AN ACT TO AMEND SECTION FIFTY-FIVE HUNDRED AND FORTY-SIX OF THE REVISED STATUTES OF THE UNITED STATES PROVIDING FOR IMPRISONMENT AND TRANSFER OF UNITED STATES PRISONERS.(1)

Designation of penitentiaries by Attorney-General for convicts in United States courts; transportation of prisoners.
Convicts in District of Columbia.
Convicts may be confined in jail when transportation would exceed cost of maintenance.
Place of imprisonment may be changed.

Designation of penitentiaries by Attorney-General for convicts in United States courts; transportation of prisoners. R. S., § 5546.

Be it enacted, &c., That section fifty-five hundred and forty-six of the Revised Statutes of the United States be amended so as to read as follows:(1)

"SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime by any court of the United States whose punishment is imprisonment in a District or Territory where, at the time of conviction, or at any time during the term of imprisonment, there may be no penitentiary or jail suitable for the confinement of convicts or available therefor, shall be confined during the term for which they have been or may be sentenced, or during the residue of said term, in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the District or Territory where the conviction has occurred;

Convicts in District of Columbia.

And if the conviction be had in the District of Columbia, the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence, and hire and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund.

Convicts may be confined in jail when transportation would exceed cost of maintenance.

But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

Place of imprisonment may be changed

And the place of imprisonment may be changed in any case, when, in the opinion of the Attorney-General, it is necessary for the preservation of the health of the prisoner, or when, in his opinion, the place of confinement is not sufficient to secure the custody of the prisoner, or because of cruel or improper treatment:

Provided, however, That no change shall be made in the case of any prisoner on the ground of the unhealthiness of the prisoner, or because of his treatment, after his conviction and during his term of imprisonment, unless such change shall be applied for by such prisoner, or some one in his behalf." [*July* 12, 1876.]

NOTE.—(1) This amendment is incorporated into § 5546 of the Revised Statutes, in the second edition.

CHAPTER 185.

AN ACT TO EXEMPT VESSELS ENGAGED IN NAVIGATING THE MISSISSIPPI RIVER AND ITS TRIBUTARIES ABOVE THE PORT OF NEW ORLEANS FROM ENTRIES AND CLEARANCES.(1)

July 12, 1876.
19 Stat. L., 90.

Vessels in coasting-trade navigating Mississippi River, &c., above New Orleans, laden with imported goods or spirits, exempt from procuring permit to proceed and unlade.

Vessels in coasting-trade navigating Mississippi River, &c., above New Orleans, laden with imported goods or spirits, exempt from procuring permit to proceed and to unlade.
R. S., §§ 4349–4356.

Be it enacted, &c., That the provisions of sections forty-three hundred and forty-nine, forty-three hundred and fifty, forty-three hundred and fifty-one, forty-three hundred and fifty-two, forty-three hundred and fifty-three, forty-three hundred and fifty-four, forty-three hundred and fifty five, and forty-three hundred and fifty-six of the Revised Statutes, requiring the master of every vessel licensed to carry on the coasting-trade, laden in part with foreign merchandise or distilled spirits, to procure a permit from the customs' officer of the port at which his vessel was laden, authorizing him to proceed to his port of destination, and also to procure a permit from the port of destination for the unlading of his cargo, shall not be held to include vessels engaged in the navigation of the Mississippi River or tributaries above the port of New Orleans. [*July* 12, 1876.]

NOTE.—(1) This act is printed in the second edition of the Revised Statutes after § 4349.

CHAPTER 186.

AN ACT TO AMEND SECTIONS THIRTY-EIGHT HUNDRED AND NINETY-THREE AND THIRTY-EIGHT HUNDRED AND NINETY-FOUR OF THE REVISED STATUTES PROVIDING A PENALTY FOR MAILING OBSCENE BOOKS AND OTHER MATTERS THEREIN CONTAINED, AND PROHIBITING LOTTERY-CIRCULARS PASSING THROUGH THE MAILS.(1)

July 12, 1876.
19 Stat. L., 90.

SECTION
1. Obscene books, papers, &c., to be non-mailable.
— punishment for.
Offences under repealed section may be prosecuted.
2. Circulars concerning lotteries not mailable.

Be it enacted, &c.

Obscene books, papers, &c., to be non-mailable; substitute for.
R. S., § 3893.
1879, March 3, ch. 180, §§ 20, 21.
14 Blatch., 245.
16 Blatch., 338.
5 Dill., 35.
3 Sawyer, 566.

[SECTION 1], That section thirty-eight hundred and ninety-three of Revised Statutes shall be, and is hereby, amended so as to read as follows:(1)

"Every obscene, lewd, or lascivious book, pamphlet, picture, paper, writing, print, or other publication of an indecent character, and every article or thing designed or intended for the prevention of conception or procuring of abortion, and every article or thing intended or adapted for any indecent or immoral use, and every written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means, any of the hereinbefore mentioned matters, articles or things may be obtained or made, and every letter upon the envelope of which, or postal card upon which, indecent, lewd, obscene, or lascivious delineations, epithets, terms, or language may be written or printed, are hereby declared to be non-mailable matter, and shall not be conveyed in the mails, nor delivered from any post-office nor by any letter-carrier;

— punishment for violation.

And any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, anything declared by this section to be non-mailable matter, and any person who shall knowingly take the same, or cause the same to be taken, from the mails, for the purpose of circulating or disposing of, or of aiding in the circulation or disposition of the same, shall be deemed guilty of a misdemeanor, and shall for each and every offence be fined not less than one hundred dollars nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both, at the discretion of the court."

Offences under repealed section may be prosecuted.

And all offences committed under said original section thirty-eight hundred and ninety-three of the Revised Statutes prior to the approval

NOTE.—(1) This act is incorporated into the second edition of the Revised Statutes in §§ 3893, 3894.

of this act may be prosecuted and punished under the said original section in the same manner and with the same effect as if this act had not been passed.

Circulars concerning lotteries not mailable. R. S., § 3894. 14 Blatch., 245. 15 Opin. Att'y-Gen., 203.

SEC. 2. That section thirty-eight hundred and ninety-four of the Revised Statutes be, and is hereby, amended by striking out the word "illegal" in the first line of said section.(2) [*July* 12, 1876.]

NOTE.—(2) This amendment has been incorporated in § 3894 of the Revised Statutes, in the second edition.

CHAPTER 212.

July 19, 1876.

19 Stat. L., 91.

AN ACT RELATING TO THE APPROVAL OF BILLS IN THE TERRITORY OF ARIZONA.

Bills passed by legislature of Arizona to be approved by governor or passed by two-thirds vote on reconsideration.
—to become laws if not returned by governor in ten days.
Effect of laws.

Bills passed by legislature of Arizona to be approved by governor or passed by two-thirds vote on reconsideration. R. S., §§ 1841, 1842. 1875, Feb. 18, ch. 8, § 1, par. 25.

Be it enacted, &c., That every bill which shall have passed the legislative council and house of representatives of the Territory of Arizona shall, before it becomes a law, be presented to the governor of the Territory;

If he approve it, he shall sign it, but if he do not approve it, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal, and proceed to reconsider it.

If, after such reconsideration, two thirds of that house shall pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law, the governor's objection to the contrary notwithstanding; but in such case, the votes of both houses shall be determined by yeas and nays, and be entered upon the journal of each house respectively.

—to become laws if not returned by governor in ten days.

And if the governor shall not return any bill presented to him for approval, after its passage by both houses of the legislative assembly within ten days (Sundays excepted) after such presentation, the same shall become a law, in like manner as if the governor had approved it:

Provided, however, That the assembly shall not have adjourned sine die during the ten days prescribed as above, in which case it shall not become a law:

Effect of laws.

And provided further, That acts so becoming laws as aforesaid shall have the same force and effect and no other, as other laws passed by the Legislature of said Territory. [*July* 19, 1876.]

CHAPTER 220.

July 21, 1876.

19 Stat. L., 94.

AN ACT TO PROVIDE FOR THE SALE OF THE FORT KEARNEY MILITARY RESERVATION IN THE STATE OF NEBRASKA.

Fort Kearney military reservation to be sold to actual settlers only under homestead laws.
—or in certain cases under pre-emption laws.
Heirs of deceased settlers may complete entry.

Whereas the tract of land in the State of Nebraska known as the Fort Kearney military reservation is no longer needed or used for military purposes, and has been abandoned by the military authorities: Therefore,

Be it enacted, &c.

Fort Kearney military reservation to be sold to actual settlers only under homestead laws. R. S., §§ 2289–2317.

[SECTION 1], That it shall be the duty of the Secretary of the Interior to cause said tract of land to be surveyed, sectionized, and subdivided as other public lands, and after said survey, to offer said land to actual settlers only at minimum price, under and in accordance with the provisions of the homestead laws:

—or in certain cases under pre-emption laws.

Provided, That if any person has made permanent improvements upon said land prior to the first day of June, eighteen hundred and seventy-six, (being an actual settler thereon,) has exhausted his right to make a

homestead entry, such person, or his heirs, may enter one quarter-section of said land under the provisions of the pre-emption laws:

R. S., §§ 2257-2288.

And provided further, That the heirs of any deceased person who had made settlement and improvement as above described prior to June first, eighteen hundred and seventy-six, may complete the pre-emption or homestead entry of the person so deceased.

Heirs of deceased settlers may complete entry.

SEC. 2. [*Makes an appropriation.*] [*July* 21, 1876.]

CHAPTER 222.

AN ACT ESTABLISHING THE RANK OF THE PAYMASTER-GENERAL

July 22, 1876.

19 Stat. L., 95.

Paymaster-General of Army to rank as brigadier-general.

Be it enacted, &c., That from and after the passage of this act, the rank of the Paymaster-General of the United States Army shall be brigadier-general; but no pay or allowances shall be made to said officer other than from the date of appointment under this act. [*July* 22, 1876.]

Paymaster-General of Army to rank as brigadier-general.
R. S., § 1182.

CHAPTER 226.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

July 24, 1876.

19 Stat. L., 97.

SECTION
1. *Par.* 1. Army reduced to 25,000 men.
Par. 2. Cavalry regiments may have 1,000 men.
—to be employed in defense of Texas frontier.
—Army not to be increased by.
Par. 3. Secretary of War to have care of national cemeteries, and to submit estimates to Congress.

SECTION
2. Officers of Army to have mileage in certain cases at eight cents a mile.
3. Post-traders to be appointed, one at each military post, &c.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

[*Par.* 1.](1) No money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized, and as provided by law with a force of enlisted men not exceeding four hundred after present terms of enlistment have expired.(1)

Army reduced to 25,000 men.
R. S., §§ 1004, 1112, 1115, 1196.
1876, Aug. 12, ch. 263.
1876, Aug. 15, ch. 301.
1878, June 18, ch. 263, § 1. 1878, June 20, ch. 359, § 1, par. 8. 1879, June 23, ch. 35.

* * * * * * *

[*Par.* 2.] Cavalry regiments may be recruited to one hundred men in each company, and kept as near as practicable at that number;

Cavalry regiments may have 1,000 men.
R. S., §§ 1102, 1103.

And a sufficient force of cavalry shall be employed in the defense of the Mexican and Indian frontier of Texas:

—to be employed in defense of Texas frontier.

Provided That such assignment of recruits shall not increase the total aggregate of the Army beyond the number of twenty-five thousand enlisted men, as provided in this act.(1)

—Army not to be increased by.

* * * * * * *

[*Par.* 3.] The Secretary of War shall provide for the care and maintainance of the National Military Cemeteries and for this purpose shall submit an estimate with his annual estimates to Congress and Section four thousand eight hundred and seventy-six of the Revised Statutes is hereby repealed.(2)

Secretary of War to have care of national cemeteries and to submit estimates to Congress.
Repeal of R. S., § 4876.

* * * * * * *

NOTES.—(1) This provision is repeated in the act of 1877, ch. 1, first session of the Forty-fifth Congress (20 Stat. L., 2).
(2) In the second edition of the Revised Statutes section 4876 is printed in italics as repealed.

Officers of Army to have mileage in certain cases at eight cents a mile.
R. S., § 1273.
1874, June 16, ch. 285, § 1.
14 Ct. Cl., 272.
16 Opin. Att'y-Gen., 559.

SEC. 2. That when any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, or on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge he shall be allowed eight cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated by the shortest usually traveled route; and so much of section twelve hundred and seventy-three of the Revised Statutes, or of any act as conflicts with the provisions of this section, is hereby repealed;

* * *

Post-traders to be appointed; one at each military post, &c.
15 Opin. Att'y-Gen., 278.
16 Opin. Att'y-Gen., 658.

SEC. 3. That every military post may have one trader, to be appointed by the Secretary of War, on the recommendation of the council of administration, approved by the commanding officer who shall be subject in all respects to the rules and regulations for the government of the Army.

* * * * * * *

[*July* 24, 1876.]

CHAPTER 227.

July 24, 1876.
19 Stat. L., 101.

AN ACT TO DECLARE FORFEITED TO THE UNITED STATES CERTAIN LANDS GRANTED TO THE STATE OF KANSAS IN AID OF THE CONSTRUCTION OF RAILROADS BY ACT OF CONGRESS APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SIXTY-THREE.

Lands granted to Kansas for certain railroad forfeited and made subject to entry under homestead laws only.

Lands granted to Kansas for certain railroad forfeited and made subject to entry under homestead laws only.
R. S., §§ 2289–2317.
1863, ch. 98 (12 Stat. L., 772).
1875, March 3, ch. 196.

Be it enacted, &c., That all lands which were granted by act of Congress approved March third, eighteen hundred and sixty-three, to the State of Kansas to aid in the construction of a railroad, commencing at Leavenworth, Kansas, and running, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the Valley of the Wakarusa River, to a point on the Atchison, Topeka, and Santa Fe Railroad, where said road intersects the Neosho River, and which have not been patented to said railroad company by the United States under said grant or earned by the completion of said road and to which said company are not lawfully entitled, are hereby declared forfeited to the United States, and shall hereafter be subject to entry only under the provisions of the homestead laws of the United States. [*July* 24, 1876.]

CHAPTER 234.

July 26, 1876.
19 Stat. L., 102.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO AMEND AND SUPPLEMENT AN ACT ENTITLED 'AN ACT TO ESTABLISH A UNIFORM SYSTEM OF BANKRUPTCY THROUGHOUT THE UNITED STATES' APPROVED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND FOR OTHER PURPOSES," APPROVED JUNE TWENTY-SECOND, EIGHTEEN HUNDRED AND SEVENTY-FOUR. (1)

Voluntary assignment under State laws for benefit of all creditors not to bar discharge. | When bankrupt may apply for discharge.

Voluntary assignment under State laws for benefit of all creditors not to bar discharge.
R. S., §§ 5021, 5110.
1874, June 22, ch. 390, § 12.
14 Blatch., 144.

Be it enacted, &c. That section twelve of said act be, and the same is hereby, amended as follows:

After the word "committed," in line forty-four, insert: "*Provided also*, That no voluntary assignment by a debtor or debtors of all his or their property, heretofore or hereafter made in good faith for the benefit of all his or their creditors, ratably and without creating any preference, and valid according to the law of the State where made, shall of itself, in the event of his or their being subsequently adjudicated bankrupts

NOTE.—(1) The whole bankrupt law was repealed by act of 1878, ch. 160.

in a proceeding of involuntary bankruptcy, be a bar to the discharge of such debtor or debtors."

That section fifty-one hundred and eight of the Revised Statutes is hereby amended so as to read as follows:(1)

At any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and before the final disposition of the cause, the bankrupt may apply to the court for a discharge from his debts.

When bankrupt may apply for discharge.
R. S., § 5108.
14 Blatch., 130.

This section shall apply in all cases heretofore or hereafter commenced. [*July* 26, 1876.]

NOTE.—(1) This amendment is incorporated in the second edition of the Revised Statutes in § 5108.

CHAPTER 239.

AN ACT TO AMEND AN ACT APPROVED MAY EIGHT, EIGHTEEN HUNDRED AND SEVENTY-FOUR, IN REGARD TO LEAVE OF ABSENCE OF ARMY OFFICERS.

July 29, 1876.
19 Stat. L., 202.

Officers of Army may have certain leave of absence without deduction of pay.

Be it enacted, &c., That an act approved May eighth, eighteen hundred and seventy-four, in regard to leave of absence of Army officers, be and the same is hereby, so amended that all officers on duty shall be allowed in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance:

Officers of Army may have certain leave of absence without deduction of pay.
R. S., § 1265.
1874, May 8, ch. 154.
16 Opin. Att'y-Gen., 577, 619.

Provided, That the same be taken once in two years:

And provided further, That the leave of absence may be extended to three months, if taken once only in three years, or four months if taken only once in four years.

This act shall take effect from and after its passage. [*July* 29, 1876.]

CHAPTER 246.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

July 31, 1876.
19 Stat. L., 102.

SECTION 1.
Par. 1. Public Printer to employ only skilled workmen.
— in purchase of materials to invite proposals and award contract to lowest bidder, &c.
— to be appointed by President with advice of Senate, &c.
— his title, powers, &c.
— to give bond.
Par. 2. Proclamations and treaties to be published in only one newspaper, &c., and advertisements for contracts not to be published in District of Columbia, except, &c.
Par. 3. Superintendent of Life-Saving Service to make annual report, &c.
Par. 4. Cadet third lieutenant for Revenue Marine Service may be appointed.

SECTION 1.
Par. 5. Metropolitan Police of District of Columbia, powers, &c., of, extended to public squares and places.
Par. 6. Two assistant agents at seal-fisheries in Alaska discontinued.
Par. 7. Cost of survey of private land claims to be kept and to be paid by parties before patents issue.
— of lands granted to railroads to be paid by companies, &c.
Par. 8. Land offices at Chillicothe, Indianapolis, and Springfield, recorder of land-titles in Missouri, and surveyor-general of Kansas abolished.

Be it enacted &c.

* * * * * * *

[*Par.* 1.] That from and after the passage of this act it shall be the duty of the Public Printer to employ no workmen not thoroughly skilled in their respective branches of industry, as shown by a trial of their skill under his direction;

Public Printer to employ only skilled workmen.
R. S., § 3763.
1877, Feb. 16, ch 58.

And whenever it becomes necessary for the Public Printer to make purchases of materials not already due under contracts he shall prepare a schedule of the articles required, showing the description, quantity, and quality of each article and shall invite proposals for furnishing the

— in purchase of materials to invite proposals and award contract to lowest bidder, &c.

R. S., §§ 3767, 3768. 1876, Jan. 25, ch. 4.

same either by advertisement or circular, as the Joint Committee on Public Printing may direct, and shall make contracts for the same with the lowest responsible bidder, making a return of the same to the Joint Committee on Public Printing, showing the number of bidders, the amounts of each bid and the awards of the contracts.

Public Printer to be appointed by President, with advice of Senate, &c. R. S., § 3758. 1874, June 20, ch. 328, par. 4. 1876, Aug. 15, ch. 287, par. 3.

That so much of all laws or parts of laws as provide for the election or appointment of Public Printer be, and the same are hereby, repealed, to take effect from and after the passage of this act; and the President of the United States shall appoint by and with the advice and consent of the Senate, a suitable person who must be a practical printer and versed in the art of book-binding, to take charge of and manage the Government Printing Office from and after the date aforesaid:

—his title, powers, &c.

He shall be called the "Public Printer," and shall be vested with all the powers and subject to all the restrictions pertaining to the officer now known as the Public Printer;

—to give bond. R. S., § 3759.

He shall give bond in the sum of one hundred thousand dollars for the faithful performance of the duties of his office, said bond to be approved by the Secretary of the Interior.

* * * * * * * *

Proclamations and treaties to be published in only one newspaper, &c., and advertisements for contracts not to be published in District of Columbia, except, &c. R. S., §§ 3826–3828. 1881, Jan. 21, ch. 25.

[*Par.* 2.] That all executive proclamations, & all treaties required by law to be published, shall be published in only one newspaper the same to be printed and published in the District of Columbia and to be designated by the Secretary of State and in no case of advertisement for contracts for the public service shall the same be published in any newspaper published and printed in the District of Columbia unless the supplies or labor covered by such advertisement are to be furnished or performed in said District of Columbia.

* * * * * * * *

Superintendent of life-saving service to make annual report, &c. R. S., §§ 4242–4249. 1878, June 18, ch. 265, § 7.

[*Par.* 3.] The person in immediate charge of the life-saving service, under the direction of the Secretary of the Treasury, shall make a report annually to the Secretary of the Treasury, showing the manner in which all moneys appropriated for the maintenance of said service shall have been expended, and setting forth specifically the operations of said service during the year; and said report shall be transmitted to Congress with the papers accompanying the Annual Finance Report.

* * * * * * * *

Cadet third lieutenant for Revenue Marine Service may be appointed. R. S., § 2749. 16 Opin. Att'y-Gen., 268.

[*Par.* 4.] Hereafter upon the occurring of a vacancy in the grade of third lieutenant in the Revenue Marine Service, the Secretary of the Treasury may appoint a cadet, not less than eighteen nor more than twenty-five years of age, with rank next below that of third lieutenant, whose pay shall be three-fourths that of a third lieutenant, and who shall not be appointed to a higher grade until he shall have served a satisfactory probationary term of two years and passed the examination required by the regulations of said service; and upon the promotion of such cadet another may be appointed in his stead; but the whole number of third lieutenants and cadets shall at no time exceed the number of third lieutenants now authorized by law.

* * * * * * * *

Metropolitan Police of District Columbia; powers, &c., of, extended to public squares and places.

[*Par.* 5.] The duties devolved and the authority conferred upon the board of Metropolitan Police by law, for police purposes, in said District, shall extend to and include all public squares or places; and said board is hereby authorized and required to make appropriate rules and regulations in relation thereto. (1)

* * * * * * * *

Two assistant agents at seal-fisheries in Alaska discontinued. R. S., §§ 1973, 1974. 1875, March 3, ch. 130, § 1.

[*Par.* 6.] For salaries and traveling expenses of agents at seal-fisheries in Alaska, * * *

Provided, however, That the two assistant agents whose salaries as fixed by law at two thousand one hundred and ninety dollars each per

NOTE.—(1) This provision is repeated in the act of 1877, ch. 105 (19 Stat. L., 346).

annum, shall be discontinued from and after the first day of October eighteen hundred and seventy-six

* * * * * * *

[*Par.* 7.] That an accurate account shall be kept by each surveyor-general of the cost of surveying and platting every private land claim, to be reported to the General Land-Office with the map of such claim; and that a patent shall not issue nor shall any copy of any such survey be furnished for any such private claim until the cost of survey and platting shall have been paid into the Treasury of the United States by the party or parties in interest in said grant or by any other party:

Cost of survey of private land claims to be kept and to be paid by parties before patents issue.
R. S., §§ 2218, 2223.

And provided further, That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest.

—of lands granted to railroads to be paid by companies, &c.

* * * * * * *

[*Par.* 8.] That the land offices at Chillicothe, Ohio, Indianapolis, Indiana, Springfield, Illinois, and the office of recorder of land-titles of the State of Missouri, (2) are hereby abolished, from and after the thirtieth day of September next and the Secretary of the Interior is hereby authorized to transfer to the States respectively aforesaid such of the transcripts, documents, and records of the offices aforesaid as may not be required for use of the United States, and as the States respectively in which said offices are situated may desire to preserve;

Land offices at Chillicothe, Indianapolis, and Springfield, recorder of land-titles of Missouri, and surveyor-general of Kansas abolished.
R. S., §§ 2207, 2256, pars. 1–3.
1874, June 6, ch. 223, § 3.

And the office of the surveyor-general of Kansas is hereby abolished from and after the thirtieth of September next. [*July* 31, 1876.]

NOTES.—(2) See notes to act of 1874, June 6, ch. 223, p. 28.

CHAPTER 255.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

Aug. 7, 1876.
19 Stat. L., 124.

Quartermaster and commissary for cadets to be detailed and supplies furnished at cost.

Be it enacted, &c.

* * * * * * *

That the Secretary of War be hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets, by whom all purchases and issues of supplies of all kinds for the cadets, and all provisions for the mess, shall be made, and that all supplies of all kinds and descriptions shall be furnished to the cadets at actual cost, without any commission or advance over said cost; and such officer so assigned shall perform all the duties of purveying and supervision for the mess, as now done by the purveyor, without other compensation. [*August* 7, 1876.]

Quartermaster and commissary for cadets to be detailed and supplies furnished at cost.
R. S., §§ 1309–1341.

CHAPTER 256.

AN ACT TO ESTABLISH A NEW LAND-DISTRICT IN THE TERRITORY OF WYOMING.

Aug. 9, 1876.
19 Stat. L., 126.

SECTION
1. Evanston land-district in Wyoming established.
2. —register and receiver for.
—office may be removed.

Be it enacted, &c.

[SECTION 1], That all the public lands in the Territory of Wyoming lying west of the thirty-first meridian of longitude west from Washington shall constitute a new land-district, to be called the Evanston district.

Evanston land-district in Wyoming established.
R. S., § 2256, par. 91, 2d ed., p. 413.

Evanston land district; register and receiver for; office may be removed.
R. S., §§ 2234-2247.

SEC. 2. That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Evanston, Wyoming Territory, until such time as the President may, in his discretion, remove the site of said land-office from said town, be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land-offices and officers in said Territory. [*August* 9, 1876.]

CHAPTER 259.

AN ACT PROVIDING FOR THE SALE OF THE OSAGE CEDED LANDS IN KANSAS TO ACTUAL SETTLERS.

Aug. 11, 1876.

19 Stat. L., 127.

SECTION
1. Bona-fide settlers may purchase Osage lands in Kansas.
2. Purchasers in good faith from certain railways entitled to land, &c. —rights of heirs.
3. Terms of purchase, price, &c. Entry to be completed in one year. Patents to issue. Payment of whole may be made at any time.
4. Laws in relation to town-sites applicable to Osage lands, except, &c.
5. Prior lawful entries reinstated.
6. Declaratory statements; where and when filed.
7. Right of Kansas to tax.
8. Railways to have right to purchase certain lands.

Be it enacted, &c.

Bona-fide settlers may purchase Osage lands in Kansas.
R. S., §§ 2283, 2284.
1874, June 23, ch. 488.
1880, May 28, ch. 107.
1881, March 3, ch. 149.
Treaty (14 Stat. L., 687).

[SECTION 1], That any bona fide settler, residing at the time of completing his or her entry, as hereinafter provided, upon any portion of the lands sold to the United States, by virtue of the first article of the treaty concluded between the United States and the Great and Little Osage tribe of Indians September twenty-ninth, eighteen hundred and sixty-five, and proclaimed January twenty-first, eighteen hundred and sixty-seven, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not to exceed one hundred and sixty acres, at the price of one dollar and twenty-five cents per acre, within one year from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior, and on the terms hereinafter provided:

Provided, That no bona fide settler as aforesaid on said land shall be denied the right to purchase land under the provisions of this act on the ground that he or she may heretofore have had the benefit of the homestead or preëmption laws of the United States.

Purchasers in good faith from certain railways entitled to land, &c.

SEC. 2. That any person who is a citizen of the United States, or has declared his intention to become such, who in good faith had purchased any portion of said land from either the Leavenworth, Lawrence and Galveston Railroad Company, or the Missouri, Kansas and Texas Railroad Company, prior to the commencement of the two suits in the name of the United States against said companies, in the circuit court of the United States for the district of Kansas, to test the legality of title of said railroad companies to said lands, or portions thereof, to wit; before the twenty-fifth day of February, anno Domini eighteen hundred and seventy-four, and shall prove to the satisfaction of the register and the receiver of the proper land office that he or she has, in good faith, before the date last aforesaid, paid said railroad companies, or either of them, the consideration-money, or a portion thereof, and also that he or she has in good faith made lasting and valuable improvements thereon, shall be, and hereby is declared to be entitled to purchase said lands, not exceeding one hundred and sixty acres, to include his or her improvements, on the same terms and conditions that actual settlers are authorized by this act to purchase said lands; that the rights of the said purchasers from said railroad companies shall attach at the date of the payment aforesaid made to said railroads or either of them:

Provided, That the said improvements are made before the date last aforesaid:

And provided further, That said claimant actually resides on the land at the time of completing his or her entry thereof at the proper land office:

Provided further, That the heirs of any deceased purchaser from said railroads shall have the same right to purchase the said lands so purchased from the said railroads as the original purchaser would have had, had he lived. Rights of heirs.

SEC. 3. That the parties desiring to make entries under the provisions of this act who will, within twelve months after the passage of the same make payment at the rate of one dollar and twenty-five cents per acre, for the land claimed by said purchaser, under such rules and regulations as the Commissioner of the General Land Office may prescribe, as follows, that is to say; Terms of purchase; price, &c.

Said purchaser shall pay for the land he or she is entitled to purchase one-fourth of the price of the land at the time the entry is made, and the remainder in three annual payments, drawing interest at the rate of five per centum per annum, which payment shall be secured by notes of said purchaser, payable to the United States; Entry to be completed in one year.

And the Secretary of the Interior shall withhold title until the last payment is made;

And the Secretary of the Interior shall cause patents to issue to all parties who shall complete their purchases under the provisions of this act; Patents to issue.

And if any claimant fails to complete his or her entry at the proper land-office within twelve months from the passage of this act, he or she shall forfeit all right to the land by him or her so claimed, except in cases where the land is in contest: Payment of whole may be made at any time.

Provided further, That nothing in this act shall be construed to prevent any purchaser of said land from making payment at any time of the whole or any portion of the purchase money.

SEC. 4. That the laws of the United States in relation to the preemption of town-sites shall apply to the tract of land first above described, except that the declaratory statement provided by existing laws in such cases shall be filed with the register of the proper land-office within sixty days after the passage of this act, and the occupants of town-sites shall not be allowed to purchase more than three hundred and twenty acres actually occupied as a town-site, except in case where town-site companies have purchased all claim of title of the original settlers, and all titles claimed by any railroad company, in which case said town-site company, by its proper agent, shall have the same right to enter said lands that the original settlers would have had, not exceeding in amount eight hundred acres, and shall pay therefor the sum of one dollar and twenty-five cents per acre, in the same manner as actual occupants are required to pay. Laws in relation to town-sites applicable to Osage lands, except, &c. R. S., §§ 2380–2394.

SEC. 5. That all lawful entries heretofore made of any of said lands, and set aside or cancelled by the Secretary of the Interior, on the ground that the said railroads had a prior grant of said lands, be reinstated by the said Secretary of the Interior, subject to any valid adverse claim that may have accrued before or since such sale or cancellation. Prior lawful entries reinstated.

SEC. 6. That all declaratory statements made by persons desiring to purchase any portion of said land under the provisions of this act, shall be filed with the register of the proper land office within sixty days after the passage of the same: Declaratory statements; where and when filed.

Provided, however, That those who may settle on said land after the passage of this act shall file their declaratory statement within twenty days after settlement, and complete their purchase under the provisions of this act within one year thereafter.

SEC. 7. That nothing in this act shall be so construed as to prevent said lands from being taxed under the laws of the State of Kansas, as other lands are or may be taxed in said State, from and after the time the first payment is made on said land, according to the provisions of this act. Right of Kansas to tax.

Railways to have right to purchase certain land.

SEC. 8. That the said railroads or either of them shall have the right to purchase such subdivisions of lands as are located outside of the right of way, heretofore granted to them, and which were occupied by them on said tenth day of April, eighteen hundred and seventy-six, for stock-yards, storage-houses, or any other purposes legitimately connected with the operation and business of said roads, whenever the same does not conflict with a settler who in good faith made a settlement prior to the occupation of said lands by said railroad company or companies, in the same manner and at the same price settlers are authorized to purchase under the provisions of this act. [*August* 11, 1876.]

CHAPTER 260.

Aug. 11, 1876.

19 Stat. L., 129.

AN ACT TO AMEND SUB-SECTIONS TWO HUNDRED AND FORTY-SIX AND TWO HUNDRED AND FIFTY-ONE OF SECTION TWELVE, OF AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-FIVE, AND FOR OTHER PURPOSES" APPROVED JUNE TWENTY-THIRD, EIGHTEEN HUNDRED AND SEVENTY-FOUR, AND FOR OTHER PURPOSES, AND SECTION THIRTY-NINE HUNDRED AND FIFTY-FOUR OF THE REVISED STATUTES.

Sureties on bonds of bidders for carrying mail to take oath and answer interrogatories, &c.
— knowingly swearing falsely; how punished.
Proceedings on failure of lowest bidder to enter into contract, &c.
— on failure or refusal of contractor to perform service.
— on failure of accepted bidder, &c., to enter into contract.
Limit of temporary service.
Contracts may be continued six months beyond term.
Penalty for wrongfully failing to enter into contract.
— prima facie evidence in such case.

Amendment of. 1874, June 23, ch. 456, § 12.

Be it enacted, &c., That sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve, of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June the twenty-third, eighteen hundred and seventy-four, and for other purposes, and also to amend section thirty-nine hundred and fifty-four of the Revised Statutes be amended as follows:

Sureties on bonds of bidders for carrying mail to take oath and answer interrogatories, &c. R. S., §§ 3946, 3947, 3953. 1878, May 17, ch. 107.

"SEC. 246. That before the bond of a bidder, provided for in the aforesaid section, is approved, there shall be indorsed thereon the oaths of the sureties therein, taken before an officer qualified to administer oaths, that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgments, mortgages, and executions against them, after allowing all exemptions of every character whatever.

Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster-General, and answered by the sureties under oath showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, in what county and State the record evidence of their title exists.

—knowingly swearing falsely; how punished.

And if any surety shall knowingly and willfully swear falsely to any statement made under the provisions of this section he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury."

Proceedings on failure of lowest bidder to enter into contract, &c. R. S., §§ 3951–3954. 1878, May 17, ch. 107.

"SEC. 251. That after any regular bidder whose bid has been accepted shall fail to enter into contract for the transportation of the mails according to his proposals, or having entered into contract, shall fail to commence the performance of the service stipulated in his or their contract as therein provided, the Postmaster-General shall proceed to contract with the next lowest bidder or bidders in the order of their bids, for the same service, who will enter into a contract for the performance

thereof, unless the Postmaster-General shall consider such bid or bids too high, and in case each of said bids shall be considered too high, then the Postmaster-General shall be authorized to enter into contract, at a price less than that named in said bids, with any person, whether a bidder or not, who will enter into contract to perform the service in accordance with the terms and provisions prescribed for the execution of other contracts for similar service; and in case no satisfactory contract can be thus obtained, he shall re-advertise such route.

Proceedings on failure or refusal of contractor to perform service.

And if any bidder whose bid has been accepted, and who has entered into a contract to perform the service according to his proposal, and in pursuance of his contract has entered upon the performance of the service, to the satisfaction of the Postmaster-General, shall subsequently fail or refuse to perform the service according to his contract, the Postmaster General shall proceed to contract with the next lowest bidder for such service, under the advertisement thereof, (unless the Postmaster-General shall consider such bid too high) who will enter into contract and give bond, with sureties, to be approved by the Postmaster-General, for the faithful performance thereof, in the same penalty and with the same terms and conditions thereto annexed as were stated and contained in the bond which accompanied his bid;

And in case said next lowest bidder shall decline to enter into contract for the performance of such service, then the Postmaster-General may award the service to, and enter into contract with, any person, whether a bidder on said route or not, who will enter into contract to perform the service and execute a bond of like tenor and effect as that required of bidders, in a penalty to be prescribed, and with sureties to be approved by the Postmaster-General, for the performance of the service contracted to be performed at a price not exceeding that named in the bid of the said next lowest bidder;

And if no contract can be secured at the price named in said next lowest bid, then the Postmaster-General shall proceed to secure a contract, at a price not considered too high, with any person who will execute such contract in accordance with the law applicable thereto, giving in all cases, the preference to the regular bidders on the list whose bids do not exceed the price at which others will contract therefor;

And if no satisfactory contract can be thus secured, the route shall be re-advertised.

—on failure of accepted bidder, &c., to enter into contract.
1878, May 17, ch 107, § 4.
1879, June 12, cb. 20.

Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, until the service shall have commenced under a contract made according to law:

Limit of price of temporary service.

Provided however, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term.

Contracts may be continued six months beyond term.

An in all cases of regular contracts hereafter made, the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General."

Penalty for wrongfully failing to enter into contract.
R. S., § 3954.

And that section thirty-nine hundred and fifty-four of the Revised Statutes be amended to read as follows: (1)

"Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form to perform

NOTE.—(1) This amendment has been incorporated into § 3954 of the second edition of the Revised Statutes.

the service described in his or their bid or proposal, or having entered into such contract shall wrongfully refuse or fail to perform such service, shall, for any such failure or refusal, be deemed guilty of a misdemeanor, and be punished by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months.

—prima facie evidence in such case.

"And the failure or refusal of any such person or persons to enter into such contract in due form, or having entered into such contract the failure or refusal to perform such service, shall be prima-facie evidence in all actions or prosecutions arising under this section that such failure or refusal was wrongful." [*August* 11, 1876.]

CHAPTER 263.

Aug. 12, 1876.

19 Stat. L., 131.

AN ACT CONCERNING THE EMPLOYMENT OF INDIAN SCOUTS.

One thousand Indian scouts to be employed, and appropriate number of commissioned officers.

—to receive pay for use of their own horses.

One thousand Indian scouts to be employed, and appropriate number of commissioned officers.

R. S., §§ 1094, 1112.

1876, July 24, ch. 226.

Be it enacted, &c., That so much of the Army appropriation act of twenty-fourth July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force:

Provided, That a proportionate number of non-commissioned officers may be appointed.

—to receive pay for use of their own horses.

And the scouts, when they furnish their own horses and horse-equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed. [*August* 12, 1876.]

CHAPTER 270.

Aug. 14, 1876.

19 Stat. L., 139.

AN ACT ESTABLISHING THE PORT OF SAINT PAUL, MINNESOTA, AS A PORT OF APPRAISAL.

SECTION
1. Imports for transportation in bond may be entered at and transported to Saint Paul, Minn.

SECTION
2. Appraiser at Saint Paul to have salary of $2,000.

Be it enacted, &c.

Imports for transportation in bond may be entered at and transported to Saint Paul, Minn.

R. S., §§ 2990–2997.

See 1880, June 10, ch. 190, §§ 7, 8.

[SECTION 1], (**Sup.**) [That the provisions contained in, and the privileges accorded by, sections (1) twenty-nine hundred and ninety, twenty-nine hundred and ninety-one, twenty-nine hundred and ninety-two, twenty-nine hundred and ninety three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine hundred and ninety-six, and twenty-nine hundred and ninety-seven, of the Revised Statutes be extended to, and held to include, the port of Saint Paul in the collection-district of Minnesota.]

Appraiser at Saint Paul to have salary of $2,000.

R. S., §§ 2595, 2701.

SEC. 2. That the appraiser (2) at the port of Saint Paul shall receive the same amount of salary that the deputy collector of that port now receives. [*August* 14, 1876.]

NOTES.—(1) These sections are repealed by act of 1880, June 10, ch. 190, and new provisions therein made superseding this section.

(2) When, by the first section of this act, Saint Paul was added to the list of ports at which imports might be entered for transportation in bond, &c., it seems to have been assumed that an appraiser for that port could be appointed by existing law; and it would have been so under the act of 1870, ch. 255, § 36 (16 Stat. L., 271); but the general authority to appoint an appraiser at each of said ports, for which an appraiser of imported merchandise is not now provided for by law, was not incorporated into the Revised Statutes.

Thus the only authority for appointing an appraiser at Saint Paul is found in the second section of this act fixing the salary of such an officer.

CHAPTER 274.

AN ACT TO PUNISH THE COUNTERFEITING OF TRADE-MARK GOODS AND THE SALE OR DEALING IN OF COUNTERFEIT TRADE MARK GOODS.

Aug. 14, 1876.

19 Stat. L., 141.

SECTION

1. Penalty for dealing in goods in similitude of trade-mark goods with intent to defraud.
2. — for fraudulently affixing trade-marks or imitation to goods, &c.
3. — fraudulently filling packages bearing registered trade-mark.
4. — making, &c., trade-mark dies with intent to defraud.
5. — forging or counterfeiting trade-marks.
6. Dealing in empty packages bearing trade-marks with intent to defraud.
7. Search-warrants for counterfeit plates, &c. Plates to be destroyed.
8. Aiding and abetting violations of this act

Be it enacted, &c.

Penalty for dealing in goods in similitude of trade-mark goods with intent to defraud.

R. S., §§ 4937–4947.

1881, March 3, ch. 138.

100 U. S., 82.

16 Opin. Att'y-Gen., 586.

[SECTION 1], That every person who shall with intent to defraud, deal in or sell, or keep or offer for sale, or cause or procure the sale of, any goods of substantially the same descriptive properties as those referred to in the registration of any trade mark, pursuant to the statutes of the United States, to which, or to the package in which the same are put up, is fraudulently affixed said trade-mark, or any colorable imitation thereof, calculated to deceive the public, knowing the same to be counterfeit or not the genuine goods referred to in said registration, shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, or imprisonment not more than two years, or both such fine and imprisonment.

—for fraudulently affixing trade-mark or imitation to goods, &c.

SEC. 2. That every person who fraudulently affixes, or causes or procures to be fraudulently affixed, any trade-mark registered pursuant to the statutes of the United States, or any colorable imitation thereof, calculated to deceive the public, to any goods, of substantially the same descriptive properties as those referred to in said registration, or to the package in which they are put up, knowing the same to be counterfeit, or not the genuine goods, referred to in said registration, shall on conviction thereof, be punished as prescribed in the first section of this act.

—fraudulently filling package bearing registered trade-mark.

SEC. 3. That every person who fraudulently fills, or causes or procures to be fraudulently filled, any package to which is affixed any trade-mark, registered pursuant to the statutes of the United States, or any colorable imitation thereof, calculated to deceive the public, with any goods of substantially the same descriptive properties as those referred to in said registration, knowing the same to be counterfeit, or not the genuine goods referred to in said registration, shall, on conviction thereof, be punished as prescribed in the first section of this act.

—making, &c., trade-mark dies with intent to defraud.

SEC. 4. That any person or persons who shall, with intent to defraud any person or persons, knowingly and willfully cast, engrave, or manufacture, or have in his, her, or their possession, or buy, sell, offer for sale, or deal in, any die or dies, plate or plates, brand or brands, engraving or engravings, on wood, stone, metal, or other substance, moulds, or any false representation, likeness, copy, or colorable imitation of any die, plate, brand, engraving, or mould of any private label, brand, stamp, wrapper, engraving on paper or other substance, or trade mark, registered pursuant to the statutes of the United States, shall, upon conviction thereof, be punished as prescribed in the first section of this act.

—forging or counterfeiting trade-marks.

SEC. 5. That any person or persons who shall, with intent to defraud any person or persons, knowingly and willfully make, forge, or counterfeit, or have in his, her, or their possession, or buy, sell, offer for sale, or deal in, any representation, likeness, similitude, copy, or colorable imitation of any private label, brand, stamp, wrapper, engraving, mould, or trade mark, registered pursuant to the statutes of the United States, shall, upon conviction thereof, be punished as prescribed in the first section of this act.

Dealing in empty packages bearing trade-marks with intent to defraud.

SEC. 6. That any person who shall, with intent to injure or defraud the owner of any trade-mark, or any other person lawfully entitled to use or protect the same, buy, sell, offer for sale, deal in or have in his possession any used or empty box, envelope, wrapper, case, bottle, or other package, to which is affixed, so that the same may be obliterated

without substantial injury to such box or other thing aforesaid, any trade-mark, registered pursuant to the statutes of the United States, not so defaced, erased, obliterated, and destroyed as to prevent its fraudulent use, shall, on conviction thereof, be punished as prescribed in the first section of this act.

Search-warrants for counterfeit plates, trade-marks, &c.

SEC. 7. That if the owner of any trade-mark, registered pursuant to the statutes of the United States, or his agent, make oath, in writing, that he has reason to believe, and does believe, that any counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, or moulds, of his said registered trade mark, are in the possession of any person, with intent to use the same for the purpose of deception and fraud, or makes such oaths that any counterfeits or colorable imitations of his said trade-mark, label, brand, stamp, wrapper, engraving on paper or other substance, or empty box, envelope, wrapper, case, bottle, or other package, to which is affixed said registered trade-mark not so defaced, erased, obliterated, and destroyed as to prevent its fraudulent use, are in the possession of any person, with intent to use the same for the purpose of deception and fraud, then the several judges of the circuit and district courts of the United States and the Commissioners of the circuit courts may, within their respective jurisdictions, proceed under the law relating to search-warrants, and may issue a search-warrant authorizing and directing the marshal of the United States for the proper district to search for and seize all said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, moulds, and said counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, engravings on paper, or other substance, and said empty boxes, envelopes, wrappers, cases, bottles, or other packages that can be found;

Plates, &c., may be destroyed.

And upon satisfactory proof being made that said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, moulds, counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, engravings on paper or other substance, empty boxes, envelopes, wrappers, cases, bottles, or other packages, are to be used by the holder or owner for the purposes of deception and fraud, that any of said judges shall have full power to order all said counterfeit dies, plates, brands, engravings on wood, stone, metal, or other substance, moulds, counterfeit trade-marks, colorable imitations thereof, labels, brands, stamps, wrappers, engravings on paper or other substance, empty boxes, envelopes, wrappers, cases, bottles, or other packages, to be publicly destroyed.

Aiding and abetting violations of this act.

SEC. 8. That any person who shall, with intent to defraud any person or persons, knowingly and willfully aid or abet in the violation of any of the provisions of this act, shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars, or imprisonment not more than one year, or both such fine and imprisonment. [*August* 14, 1876.]

CHAPTER 287.

Aug. 15, 1876.
19 Stat. L., 143.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

SECTION 1.
1. *Par.* 1. Prices to be paid for folding books, Daily Record, &c., for Congress.
Par. 2. Additional force at Capitol not to be employed.
Par. 3. Public Printer succeeds to all powers and duties of Congressional Printer.
Par. 4. Achitect of Capitol; additional duties transferred to him.
Par. 5. Internal-revenue stamps to be sent by mail.
Par. 6. Compensation of gaugers and storekeepers.

SECTION 1.
Par. 6—Continued.
Internal revenue reduced.
Supervisors of internal revenue abolished.
—powers of supervisors transferred to Commissioner and collectors.
Suspension of collectors of internal revenue to be reported to President.
Special agents in customs service; number and compensation of.
Packages of spirits filled on premises of wholesale dealer to be stamped under regulations of Commissioner.

SECTION 1.
Duties of storekeeper and gauger may be united in one officer, who shall have commission and give bond.
Par. 7. Assistant treasurer at Charleston abolished.
Depositories of public money at Buffalo, Santa Fé, and Pittsburgh discontinued.
2. Number of clerks of higher grade may be diminished and of lower increased, within appropriation.
SECTION 3.
Discharged soldiers and sailors and their widows and orphans to be preferred in retaining clerks, &c.
5. Clerks, agents, laborers, &c., not to be employed in departments beyond provisions of law.
6. Penalty for officers not appointed by President giving to or receiving from other officers money, &c., for political purposes.
9. Postage-stamps for departments; how obtained.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

[*Par.* 1.] The following prices may be paid for folding books, pamphlets, speeches, and the Daily Record, namely: For quarto volumes not exceeding one cent per volume; for octavo volumes, not exceeding one-half cent each per volume; for the Daily Record, not exceeding two dollars per thousand; and for speeches not exceeding one dollar per thousand.

Prices to be paid for folding books, Daily Record, &c., for Congress.
1880, June 15, ch. 225, par. 1.

* * * * * * *

[*Par.* 2.] So much of the Joint Resolution approved July fifteenth, eighteen hundred and seventy, as authorizes the employment of additional police force is hereby repealed to take effect from and after the thirtieth day of June eighteen hundred and seventy-six.(1)

Additional police force at Capitol not to be employed.
R. S., § 1826.

* * * * * * *

[*Par.* 3.] The term "Public Printer" as employed in that part of the act making appropriations for sundry civil expenses of the Government for the current fiscal year which repeals all laws providing for the election or appointment of Public Printer shall be construed as embracing that officer whether known as Congressional Printer or Public Printer.

Public Printer successor to Congressional Printer.
R. S., § 3758.
1874, June 20, ch. 328, par. 4. June 23, ch. 455, § 1, par. 1. 1876, July 31, ch. 246, par. 1.

[*Par.* 4.] The Architect of the Capitol shall have the care and superintendence of the Capitol including, lighting, and shall submit through the Secretary of the Interior, estimates thereof:

And provided further, That all the duties relative to the Capitol building heretofore performed by the Commissioner of public buildings and grounds, shall hereafter be performed by the Architect of the Capitol, whose office shall be in the Capitol building.

Architect of Capitol; additional duties transferred to him.
R. S., §§ 1797, 1816, 1817.

* * * * * * *

[*Par.* 5.] Hereafter the transmission of internal revenue stamps to the officers of the internal revenue service shall be made through the mails of the United States in registered packages.

Internal-revenue stamps to be sent by mail.

* * * * * * *

[*Par.* 6.] Hereafter no storekeeper shall receive a greater compensation than four dollars per day; and said gaugers and storekeepers, respectively shall only receive compensation when rendering actual service.

Compensation of gaugers and storekeepers.
R. S., §§ 3153, 3157. 1879, June 21, ch. 34.

And it shall be the duty of the President, and he is hereby authorized and directed, to reduce the number of internal revenue districts to not exceeding one hundred and thirty-one in the manner heretofore provided by law, which reduction shall take effect on the first day of September, eighteen hundred and seventy-six or as soon thereafter as may be practicable.

Internal-revenue districts reduced.
R. S., § 3141.

And sections thirty-one hundred and fifty-nine, and thirty-one hundred and sixty of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of the foregoing paragraphs relating to the internal revenue service, are hereby repealed.(2)

Supervisors of internal revenue abolished, repealing
R. S., §§ 3159, 3160.

The powers of transfer, and of suspension, of officers conferred upon supervisors by section thirty-one hundred and sixty-three of the Revised Statutes, are hereby vested in the Commissioner of Internal Revenue; and all other powers conferred, and duties imposed, by said section upon supervisors, are hereby conferred and imposed upon collectors of internal revenue within their respective districts.

—power of, transferred to Commissioner and collectors.
R. S., §§ 3154, 3159, 3160, 3163.
1879, March 1, ch. 125, § 2.

NOTES.—(1) That part of the resolution of 1870, July 15, No. 131 (16 Stat. L., 291) here referred to, is incorporated into § 1825 of the Revised Statutes.
(2) The sections hereby repealed are so noted and printed in the second edition of the Revised Statutes.

Suspension of collectors of internal revenue to be reported to President.

Special agents in customs service; number and compensation of.
R. S., §§ 2649 2651.
1878, June 19, ch. 329, § 1, par. 7.

In case of the supervision(3) of a collector, under the power hereby conferred, the Commissioner of Internal Revenue shall, as soon thereafter as practicable, report the case to the President through the Secretary of the Treasury for such action as he may deem proper.

And sections twenty-six hundred and forty-nine, twenty-six hundred and fifty, and twenty-six hundred and fifty-one of the Revised Statutes, and all laws and parts of laws authorizing the Secretary of the Treasury to appoint special agents to be employed in the customs service and classifying them and regulating the duties of said agents, shall be so modified as to authorize the appointment of only twenty special agents, each of whom shall receive a compensation of not exceeding eight dollars per day, in the discretion of the Secretary of the Treasury, and actual traveling expenses when actually employed in the duties of such agency.

Packages of spirits filled on premises of wholesale dealer to be stamped under regulations of Commissioner; repealing—
R. S., § 3321.
R. S., § 3323, in part.

And sections thirty-three hundred and twenty-one of the Revised Statutes, and thirty-three hundred and twenty-three, so far as the latter relates to wholesale liquor-dealers' packages filled on the premises of wholesale liquor dealers, shall, from and after ten days from the passage of this act, be repealed; and packages of distilled spirits filled on the premises of any wholesale liquor dealer shall thereafter be stamped under such rules and regulations as the Commissioner of Internal Revenue may prescribe.(4)

Duties of storekeeper and gauger may be united in one officer, who shall have commission and give bond.
R. S., §§ 3153, 3156.

That the Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, impose the duties of storekeeper and gauger upon one officer, where the amount of spirits produced at the distillery, to which such officer may be assigned, is not sufficient, in the judgment of the Commissioner to warrant the employment of two officers to perform the separate duties of storekeeper and gauger.

The Secretary of the Treasury may issue a commission to such officer as storekeeper and gauger, but the compensation for his services as storekeeper and gauger shall be that of storekeeper only.

And the said officer shall before entering upon the discharge of such duties, give a bond in the penal sum of not less than five thousand dollars for the faithful performance of the combined duties of storekeeper and gauger.

* * * * * * *

Assistant treasurer at Charleston abolished.
R. S., §§ 3595, 3608, 3615.

[*Par.* 7.] So much of section thirty-five hundred and ninety-five of the Revised Statutes as provides for the appointment of an assistant treasurer of the United States at Charleston is hereby repealed from and after September, thirtieth, eighteen hundred and seventy-six;

Depositories of public money at Buffalo, Santa Fé, and Pittsburgh discontinued.

And the Secretary of the Treasury is directed to discontinue, from said date, the depositories at Buffalo, New York Santa Fe, New Mexico, and Pittsburgh Pennsylvania.

* * * * * * *

Number of clerks of higher grade may be diminished and of lower increased, within appropriation, &c.
R. S., §§ 161, 163, 167.

SEC. 3. That whenever, in the judgment of the head of any department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service:

Discharged soldiers and sailors and their widows and orphans to be preferred in retaining clerks, &c.
R. S., § 1754.

Provided, That in making any reduction of force in any of the executive departments, the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors.

* * * * * * *

Clerks, agents, laborers, &c., not to be employed in departments beyond provisions of law.
R. S., § 171.

SEC. 5. That the executive officers of the Government are hereby prohibited from employing any clerk, agent, engineer, draughtsman messenger watchman, laborer, or other employee, in any of the executive

NOTES.—(3) This word should be *suspension*, instead of supervision, as the context shows, and as it was in the former act on this subject, but it is engrossed on the roll as here printed.

(4) These amendments have been incorporated into the second edition of the Revised Statutes in the sections referred to.

departments in the city of Washington, or elsewhere beyond provision made by law.

SEC. 6. That all executive officers or employees of the United States not appointed by the President, with the advice and consent of the Senate, are prohibited from requesting, giving to, or receiving from, any other officer or employee of the Government, any money or property or other thing of value for political purposes;

Penalty for officers not appointed by President giving to or receiving from other officers money, &c., for political purposes.

And any such officer or employee who shall offend against the provisions of this section shall be at once discharged from the service of the United States;

And he shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding five hundred dollars.

* * * * * * *

SEC. 9. (5) That the Secretaries respectively of the Departments of State, Treasury, War, Navy, and Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of postage stamps for the use of their Departments not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post Office Department for the same fiscal year. [*August* 15, 1876.]

Postage-stamps for Departments; how obtained.
R. S., § 3915.
1877, Feb. 27, ch. 69, par. 138.
15 Opin. Att'y-Gen., 262.

NOTE.—(5) This section is repeated in act of 1877, ch. 102, § 2 (19 Stat. L., 319), and in act of 1878, ch. 359, § 2 (20 Stat. L., 206).

CHAPTER 289.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY-STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND FOR OTHER PURPOSES.

Aug. 15, 1876.
19 Stat. L., 176.

SECTION
1. *Par.* 1. No further appropriations to be made for Sioux Indians until they release certain claims; nor unless they receive supplies at places designated.
— nor until arrangements are made for their self-support.
Par. 2. Contracts for transportation of Indian supplies to be advertised for, and given to lowest bidder.
2. In contracts in Indian service proposals, &c., to be preserved.
— and Secretary to report to Congress.
— abstracts to be filed with Second Comptroller, &c.
4. Estimates of Indian appropriations; how presented.
5. Appointment and regulation of Indian traders by Commissioner.
6. Purchase of Indian supplies to be after advertisements, except, &c.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

[*Par.* 1.] Hereafter there shall be no appropriation made for the subsistence of said [*Sioux*] Indians, unless they shall first agree to relinquish all right and claim to any country outside the boundaries of the permanent reservation established by the treaty of eighteen hundred and sixty-eight for said Indians;

No further appropriations to be made for Sioux Indians until they release certain claims; nor unless they receive supplies at places designated.
Treaty (15 Stat. L., 635).

And also so much of their said permanent reservation as lies west of the one hundred and third meridian of longitude, and shall also grant right of way over said reservation to the country thus ceded for wagon or other roads, from convenient and accessible points on the Missouri River, in all not more than three in number;

And unless they will receive all such supplies herein provided for, and provided for by said treaty of eighteen hundred and sixty-eight, at such points and places on their said reservation, and in the vicinity of the Missouri River, as the President may designate; and the further sum of twenty thousand dollars is hereby appropriated to be expended under the direction of the President of the United States for the purpose of carrying into effect the foregoing provision:

And provided also, That no further appropriation for said Sioux Indians for subsistence shall hereafter be made until some stipulation, agreement, or arrangement shall have been entered into by said Indians

—nor until arrangements are made for their self-support.

with the President of the United States, which is calculated and designed to enable said Indians to become self-supporting:

* * * * * * *

Contracts for transportation of Indian supplies to be advertised for and given to lowest bidder.

[*Par.* 2.] Hereafter contracts for transportation [*of goods for the various tribes of Indians*] involving an expenditure of more than one thousand dollars shall be advertised and let to the lowest bidder. R. S., § 2083. 1875, March 3, ch. 132, § 7. 1877, March 3, ch. 101.

* * * * * * *

In contracts in Indian service proposals, &c., to be filed and Secretary to report to Congress.

SEC. 3. That in all lettings of contracts in connection with the Indian service, the proposals or bids received shall be filed and preserved;

And in the annual report of the Commissioner of Indian Affairs, there shall be embodied a detailed and tabular statement of all bids and proposals received for any services, supplies, or annuity-goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received;

— abstract to be filed with Second Comptroller. R. S., §§ 468, 469, 2083.

And an abstract of all bids or proposals received for the supplies or services embraced in any contract shall be attached to, and filed with, the said contract when the same is filed in the office of the Second Comptroller of the Treasury.

Estimates for Indian appropriations; how presented. R. S., § 3669.

SEC. 4. That hereafter the estimates for appropriations for the Indian service shall be presented in such form as to show the amounts required for each of the agencies in the several States or Territories, and for said States and Territories respectively.

Appointment and regulation of Indian traders by Commissioner. R. S., §§ 463, 2129-2131.

SEC. 5. And hereafter the Commissioner of Indian Affairs shall have the sole power and authority to appoint Traders to the Indian tribes and to make such rules and regulations as he may deem just and proper specifying the kind and quantity of goods and the prices at which such goods shall be sold to the Indians.

Purchase of Indian supplies to be after advertisement, except, &c. R. S., §§ 463, 2083.

SEC. 6. That the Commissioner of Indian Affairs shall advertise for all supplies

Provided, that the purchase of supplies for sixty days may be made in open market.

And provided further that to meet any exigency of the service purchases may be made in open market to an extent not to exceed two thousand dollars at any one time. [*August* 15, 1876.]

CHAPTER 290.

Aug. 15, 1876.

19 Stat. L., 200.

AN ACT TO CARRY INTO EFFECT A CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS, SIGNED ON THE THIRTIETH DAY OF JANUARY, EIGHTEEN HUNDRED AND SEVENTY-FIVE.

Certain products of Hawaiian or Sandwich Islands admitted free of duty.

Certain products of Hawaiian or Sandwich Islands admitted free of duty. R. S., § 2504, 2d ed., pp. 468, 473, 476, 478, 480.

Be it enacted, &c., That whenever the President of the United States shall receive satisfactory evidence that the legislature of the Hawaiian Islands have passed laws on their part to give full effect to the provisions of the convention between the United States and his Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January, eighteen hundred and seventy-five, he is hereby authorized to issue his proclamation declaring that he has such evidence; and thereupon, from the date of such proclamation, (1) the following articles, being the growth and manufacture or produce of the Hawaiian Islands, to wit,

Arrow-root; castor-oil; bananas; nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins, undressed; rice; pulu; seeds; plants; shrubs, or trees; muscovado, brown, and all other unre-

NOTE.—(1) On the 9th of September, 1876, the President issued his proclamation declaring that he had evidence that the Hawaiian Islands had passed laws to give effect to the convention here referred to. See articles of convention and reciprocity and proclamation hereinafter printed, 1876, No. 7, and articles following same, page 626.

fined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" syrups of sugar-cane, melado, and molasses; tallow,

Shall be introduced into the United States free of duty so long as the said convention shall remain in force. [*August* 15, 1876.]

CHAPTER 297.

AN ACT RELATING TO PARTITION OF REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Aug. 15, 1876.

19 Stat. L., 202.

SECTION
1. Partition of lands among tenants in common in District of Columbia; how made.
2. Court may decree sale and division of proceeds.
3. In case of sale, how payments to be made.

Be it enacted, &c.

Partition of lands among tenants in common in District of Columbia; how made.

[SECTION 1], That all tenants in common and coparceners of any estate in lands tenements, or hereditaments, equitable as well as legal, within the District of Columbia, may, in the discretion of the Court, be compelled in any court of competent jurisdiction, to make, or suffer partition of such estate or estates.

In proceedings for partition all persons in interest shall be made parties in the same manner as in cases of equity jurisdiction.

And in proceedings for partition under this act, the court may in addition to the powers herein conferred, exercise such powers as are or may be conferred by virtue of the general equity jurisdiction of the court.

Court may decree sale and division of proceeds.

SEC. 2. That the court, in all cases, in decreeing partition, may, if it satisfactorily appears that said lands and tenements, or any estate or interest therein, cannot be divided without loss or injury to the parties interested, decree a sale thereof, and a division of the money arising from such sale among the parties, according to their respective rights and interests.

In case of sale, how payments to be made.

SEC. 3. That in all such sales, unless the court shall by special order direct or require on good cause shown, that the sale be made for cash, the purchase money shall be payable, one third on day of sale, one-third in one year, and one-third in two years thereafter, with interest, the deferred payments to be secured to the parties, according to their respective interests, by good and sufficient mortgage upon the premises so sold, which shall be subject to the approval of the court. [*August* 15, 1876.]

CHAPTER 300.

AN ACT TO REGULATE THE ISSUE OF ARTIFICIAL LIMBS TO DISABLED SOLDIERS, SEAMEN, AND OTHERS.

Aug. 15, 1876.

19 Stat. L., 203.

SECTION
1. Soldiers and sailors maimed to have artificial limbs, &c., once in five years.
2. — to have transportation furnished to obtain them.

SECTION
This act not subject to provisions of former act.

Be it enacted, &c.

Soldiers and sailors maimed to have artificial limbs, &c., once in five years.

R. S., §§ 4787, 4788.

1877, Feb. 27, ch. 69, par. 168.

[SECTION 1], That every officer, soldier, seaman and marine, who, in the line of duty, in the military or naval service of the United States, shall have lost a limb, or sustained bodily injuries, depriving him of the use of any of his limbs, shall receive once every five years an artificial limb or appliance, or commutation therefor, as provided and limited by existing laws, under such regulations as the Surgeon-General of the Army may prescribe;

And the period of five years shall be held to commence with the filing of the first application after the seventeenth day of June, in the year eighteen hundred and seventy.

Soldiers, &c., to have transportation to obtain artificial limbs.
R. S., § 4791.

SEC. 2. That necessary transportation to have artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded out of any money appropriated for the purchase of artificial limbs:

Act not subject to provisions of former act, 1874, June 18, ch. 299.

Provided That this act shall not be subject to the provisions of an act entitled "An act to increase pensions," approved June eighteenth, eighteen hundred and seventy-four. [*August* 15, 1876.]

CHAPTER 301.

Aug. 15, 1876.
19 Stat. L., 204.

AN ACT [*an act*] TO INCREASE THE CAVALRY FORCE OF THE UNITED STATES, TO AID IN SUPPRESSING INDIAN HOSTILITIES

Number of enlisted men in cavalry may be increased. — adding not more than 2,500 men to Army above limit of 25,000.

Increase not to continue after Indian hostilities cease.

Number of enlisted men in cavalry may be increased.
R. S., §§ 1102, 1115.

Be it enacted, &c., That the President of the United States be, and he is hereby, empowered to increase the number of enlisted men to one hundred for each company of such regiments of cavalry as may be employed in existing Indian hostilities and as in his opinion may require the same:

— adding not more than 2,500 men to Army above limit of 25,000.
1876, July 24, ch. 226.

Provided, That not more than twenty-five hundred enlisted men shall thus be added at any one time to the twenty five thousand authorized by the act approved July twenty-fourth, eighteen hundred and seventy-six, making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven:"

Increase not to continue after Indian hostilities cease.

And provided further, That on the cessation of existing Indian hostilities, the number of enlisted men in the Army shall be reduced to the number now established by law; and provided that the reduction shall not be made from the cavalry force of the Army. * * * [*August* 15, 1876.]

CHAPTER 302.

Aug. 15, 1876.
19 Stat. L., 204.

AN ACT RELATING TO THE PROMOTION OF COMMODORES ON THE RETIRED LIST OF THE NAVY.

Commodores who were citizens of States in rebellion and adhered to the Union, &c., may be promoted to rear-admirals on retired list.

Commodores who were citizens of States in rebellion and adhered to the Union, &c., may be promoted to rear-admirals on retired list, &c.
R. S., § 1460.

Be it enacted, &c., That Section one thousand four hundred and sixty of the Revised Statutes, to wit: (1)

"There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list:

Provided, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service," be amended by adding thereto the following words:

"Or who, being at the outbreak of the late war of the rebellion citizens of any State which engaged in such rebellion, exhibited marked fidelity to the Union in adhering to the flag of the United States." [*August* 15, 1876.]

NOTE.—(1) This amendment is incorporated in § 1460 of the Revised Statutes, in the second edition.

CHAPTER 303.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS THE MISSOURI RIVER AT OR NEAR SIOUX CITY IOWA.

Aug. 15, 1876.

19 Stat. L., 205.

SECTION

1. Bridge across Missouri River may be constructed by Sioux City Bridge Company.
— all connecting railroads may have use of, &c.
— tolls on.
Congress may prescribe rules, &c.
2. Bridge, how to be built.
— of unbroken continuous spans.
— if as a draw-bridge.
Draw to be promptly opened.
Company may confine water to permanent channel.
Plans for erections on banks of river.
A pile or ponton bridge may be built.
Bridge to be at right angles to current.
3. — not to obstruct navigation.
Secretary of War to approve plans, alterations, &c.
— may cause alterations in order to prevent obstruction to navigation.
In case of litigation, where suits to be brought.
4. United States reserve rights for post-road and as to charges for transportation.
Lights.
Act may be changed.

Be it enacted, &c.

Bridge across Missouri River may be constructed by Sioux City Bridge Company.

[SECTION 1], That it shall be lawful for the Sioux City Bridge Company, a corporation organized for that purpose under the general corporation laws of the State of Iowa, or its assigns, to construct, under and subject to the conditions and limitations hereafter provided, a bridge across the Missouri River at or near Sioux City, Iowa and lay on and over said bridge railway tracks, for the more perfect connection of any and all railways that now are, or which may hereafter be, constructed to the Missouri River at or near Sioux City, or to the river on the opposite side of the same near Sioux City, and build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals, and to provide ways for foot-passengers, and to keep up and maintain and operate said bridge for the purposes aforesaid;

—all connecting railroads may have use of, &c.

And that when said bridge is constructed all trains of all railroads terminating at said river, and on the opposite side thereof, at or near Sioux City, Iowa, shall be allowed to cross said bridge for reasonable compensation, to be made to the owners of the same, under the limitations and conditions hereinafter named.

—tolls on.

The owners of said bridge may also charge and receive reasonable compensation or tolls for the transit over said bridge of all wagons, carriages, vehicles animals and foot-passengers:

Congress may prescribe rules, &c.

Provided, That Congress may at any time prescribe such rules, regulations and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

Bridge, how to be built.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the person or persons or corporation building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans:

—of unbroken continuous spans.

Provided, That if the same shall be made of unbroken continuous spans, it shall not be, in any case, of less elevation than fifty feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure, with straight girders, nor shall the spans of said bridge be less than three hundred feet in the clear at low water-mark; and the piers of said bridge shall be parallel with the current of the river; and the main span shall be over the main channel of the river:

—if as a draw-bridge.

And provided also, That if a bridge shall be built under this act as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessable and navagable point and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall not be less than two hundred and fifty feet, and said spans shall not be less than ten feet above extreme high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river:

Draw to be promptly opened.

And provided also, That said draw shall be opened promptly upon reasonable signal, without unnecessary delay:

Company may confine water to permanent channel.

And provided further, That the corporation building said bridge may, subject to the approval of the Secretary of War, enter upon the banks of said river, either above or below the point of location of said bridge, and confine the flow of the water to a permanent channel, and to do whatever may be necessary to accomplish said objects, but shall not impede or obstruct the navigation of said river, and shall be liable in damages for all injuries to private property;

Plans for erections on banks of river.

And all plans for such works or erections upon the banks of the river shall first be submitted to the Secretary of War for his approval:

A pile or pontoon bridge may be built.

1874, June 6, ch. 224.

And provided further, That if said company shall elect to construct a pile and pontoon bridge in lieu of that described above, the Secretary of War may, if he deem it advisable and not inconsistent with the free navigation of said river, authorize said company to construct such bridge as a pile or pontoon bridge, subject to the restrictions and requirements relating to the construction thereof contained in the act entitled "An act to legalize and establish a pontoon-bridge across the Mississippi River at Prairie du Chien" approved June sixth, eighteen hundred and seventy-four, *a*ccept that in the bridge herein authorized one draw only shall be required, which shall not be less than four hundred feet in width in the clear:

Bridge to be at right angles to current.

And provided further, That any bridge built under the provisions of this act shall be at right-angles to the current of the river.

—not to obstruct navigation.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river;

Secretary of War to approve plans; alterations, &c.

And no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to, and approved by, the Secretary of War; and any change in the plan of such construction or any alteration in the bridge after its construction shall be subject to the like approval;

—may cause alterations in order to prevent obstruction to navigation.

And whenever said bridge shall, in the opinion of the Secretary of War, substantially obstruct the free navigation of said river, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made, and all such obstructions be removed, at the expense of the owner or owners of said bridge;

In case of litigation, where suits to be brought.

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of the Missouri River at or near the crossing of said bridge caused or alleged to be caused thereby, the cause shall be commenced and tried in the district courts of either judicial district of Iowa or Nebraska in which the said bridge or any portion of such obstruction touches.

United States reserve rights for post-road and as to charges for transportation.

SEC. 4. That any bridge built under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to such bridge.

Lights.

Such lights shall be kept upon said bridge as the Light-House Board shall direct, and said bridge shall moreover be provided with all proper safeguards for the security of person and property.

Act may be amended.

SEC. 5. That Congress may at any time alter, amend, or repeal this act. [*August* 15, 1876.]

CHAPTER 304.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS FOR TAKING AFFIDAVITS, &C., FOR THE COURTS OF THE UNITED STATES.

Aug. 15, 1876.
19 Stat. L., 206.

Notaries public of States, &c., may take depositions, acknowledgments, and affidavits to be used in United States courts.

Be it enacted, &c., That notaries public of the several States, Territories, and the District of Columbia be, and they are hereby, authorized to take depositions, and do all other acts in relation to taking testimony to be used in the courts of the United States, take acknowledgments and affidavits, in the same manner and with the same effect as commissioners of the United States circuit court may now lawfully take or do. [*August* 15, 1876.]

Notaries public of States, &c., may take depositions, acknowledgments, and affidavits to be used in United States courts.
R. S., § 1778.
1874, June 22, ch. 390, § 20.

CHAPTER 307.

AN ACT TO CREATE AN ADDITIONAL LAND OFFICE AT COLFAX, WHITMAN COUNTY, WASHINGTON TERRITORY.

Aug. 15, 1876.
19 Stat. L., 207.

SECTION
1. Whitman land district established. — with office at Colfax until changed by President.
2. Register and receiver for.
3. Public lands in, subject to sale.

Be it enacted, &c.

Whitman land-district established.
R. S., § 2256, par. 49–51, 2d ed., p. 406.

[SECTION 1], That the President of the United States be, and he is hereby, authorized to establish an additional land-district in the Territory of Washington, which district shall be bounded as follows, namely:

Commencing at a point where the Columbia guide-meridian intersects the third standard parallel in said Territory; thence east along the line of said standard parallel to where the same intersects Snake River; thence along said Snake River to where the same intersects the boundary-line between Washington Territory and Idaho Territory; thence north on said boundary-line to where the same intersects the boundary-line between Washington Territory and British Columbia; thence west along said line to where the same intersects the aforementioned Columbia guide-meridian; thence south along the line of said meridian to the place of beginning.

—with office at Colfax, until changed by President.

Said district, as above bounded, shall be known and designated as the Whitman district, and the office of said district shall be located at the town of Colfax, or at such place as the President may direct, in the Territory of Washington; and the President of the United States shall have power to change the location of said land-office, in said Territory, from time to time, as the public interests may seem to require.

Register and receiver for.
R. S., §§ 2234–2247.

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver for the district hereby created, who shall each reside in the place where said land-office is located, and shall have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties, which are or may be prescribed by law in relation to other land officers in said Territory.

Public lands in, subject to sale.

SEC. 3. That the public lands in said district shall be subject to sale and disposal upon the same terms and conditions as other public lands of the United States:

Provided, That all sales and locations made at the office of the old district of land situated within the limits of the new district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby confirmed. [*August* 15, 1876.]

CHAPTER 308.

Aug. 15, 1876.
19 Stat. L., 208.

AN ACT TO PROVIDE FOR THE SALE OF A PORTION OF THE RESERVATION OF THE CONFEDERATED OTOE AND MISSOURIA AND THE SAC AND FOX OF THE MISSOURI TRIBES OF INDIANS IN THE STATES OF KANSAS AND NEBRASKA.

SECTION
1. Lands of Otoe and Missouria Indian reservation may be surveyed.
2. — to be appraised.
3. — to be sold to actual settlers in part for cash.
— or deferred payments.
— not to be sold for less than appraisal.
4. Disposition of proceeds.
5. Pay of appraisers.
6. Plats and note-books.
Fees of register and receiver.
7. Sac and Fox reservation in Kansas and Nebraska may be sold on same terms.

Be it enacted, &c.

Lands of Otoe and Missouria Indian reservation may be surveyed. 1879, March 3, ch. 190.

[SECTION 1], That, with the consent of the Otoe and Missouria tribes of Indians expressed in open council, (1) the Secretary of the Interior is authorized to cause to be surveyed the reservation of said Indians lying in the States of Kansas and Nebraska.

1881, March 3, ch. 128.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

—to be appraised.

—to be sold to actual settlers, in part, for cash. *Repeal and substitute*, 1879, March 3, ch. 190.

(**Rep.**) [SEC. 3. That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land-office, at Beatrice, Nebraska, for cash to actual settlers only, in tracts not exceeding one hundred and sixty acres to each purchaser:

—or deferred payments.

Provided, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one-third in cash, one-third in one year, and one-third in two years from date of sale, with interest at the rate of six per centum per annum:

—not to be sold for less than appraised.

And provided further, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre.]

Disposition of proceeds.

SEC. 4. That the proceeds of said sale shall be placed to the credit of said Indians in the Treasury of the United States, and bear interest at the rate of five per centum per annum which income shall be expended for the benefit of said tribes under direction of the Secretary of the Interior.

Pay of appraisers.

SEC. 5. That the commissioners for the appraisement of said lands shall be paid for their services at the rate of five dollars per day while actually employed, and their actual expenses; which sum, together with the cost of survey, and all other necessary incidental expenses of the execution of this act, shall be paid from the money realized by the sale of said lands.

Plats and note-books.

SEC. 6. That certified copies of the plats and field-notes of said lands when surveyed shall be prepared under the direction of the Secretary of the Interior, and kept in the land-office at Beatrice, Nebraska, to be used as other official plats and notes;

Fees of register and receiver.

And the register and the receiver shall be allowed such fees only for the sale of said lands as are now authorized by law in case of sales of public lands of the United States, to be paid out of the moneys arising from the sale thereof.

Sac and Fox reservation in Kansas and Nebraska may be sold on same terms.

SEC. 7. That whenever the Sac and Fox of the Missouri tribe of Indians shall, in open council in the usual manner, express their consent thereto, (2) the Secretary of the Interior shall be, and hereby is, authorized, in like manner and upon the same terms prescribed in the preceding sections of this act, to cause to be offered for sale a portion of their reservation lying in the States of Kansas and Nebraska, not exceeding in quantity ten sections of land to be taken from the western portion thereof; and the proceeds arising therefrom shall be used for the benefit of said tribe as the Secretary of the Interior may direct. [*Became a law August* 15, 1876, *by two-thirds vote of each house of Congress, notwithstanding the President's veto.*]

NOTES.—(1) The consent of the Otoe and Missouria Indians was given December 6, 1876.
(2) The consent of the Sac and Fox Indians was given February 14, 1877.

RESOLUTIONS.

NUMBER 4.

JOINT RESOLUTION DIRECTING THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO PAY THE INTEREST ON THE BONDS ISSUED IN PURSUANCE OF THE ACT OF CONGRESS APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-FOUR, OUT OF ANY FUNDS IN THE UNITED STATES TREASURY SUBJECT TO THE REQUISITION OF SAID COMMISSIONERS, AND FOR OTHER PURPOSES.

March 14, 1876.
19 Stat. L., 211.

Debt of District of Columbia not to be increased.

Be it resolved, &c.

* * * * * * *

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars. [*March* 14, 1876.]

Debt of District of Columbia not to be increased.
1878, June 11, ch. 180, § 13.
1880, June 16, ch. 243.
1881, March 3, ch. 134, § 4.

NUMBER 10.

JOINT RESOLUTION CONCERNING SPECIAL-TAX STAMPS.

May 8, 1876.
19 Stat. L., 213.

Special-tax stamps may be issued to retail dealers in liquors and tobacco on railway-trains, vessels, &c.

Be it resolved, &c., That nothing contained in chapter three of title thirty-five of the Revised Statutes shall prevent the issue, under such regulations as the Commissioner of Internal Revenue may prescribe, of special-tax stamps to persons carrying on the business of retail dealers in liquors, retail dealers in malt liquors, or dealers in tobacco, upon passenger railroad-trains or upon steamboats or other vessels engaged in the business of carrying passengers. [*May* 8, 1876.]

Special-tax stamps may be issued to retail dealers in liquors and tobacco on railway trains, vessels, &c.
R. S., § 3244.

NUMBER 13.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ISSUE ARMS.

July 3, 1876.
19 Stat. L., 214.

Arms to be issued to Territories and border States.
— kind of arms.
— manner of issue.

Resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to the Territories, and the States bordering thereon, such arms as he may deem necessary for their protection, not to exceed one thousand to said States [*and Territories*] each [and ammunition for the same, not to exceed fifty ball-cartridges for each arm], [*and not more than five hundred to each of said Territories*]:

Arms to be issued to Territories and border States.
R. S., § 1667.
1878, May 16, ch. 106; Res. 1877, March 3, No. 7, p. 302; 1878, June 7, No. 26, p. 389.

Provided, That such issues shall be only from arms owned by the Government which have been superseded and no longer issued to the Army:

— kind of arms.

Provided however, That said arms shall be issued only in the following manner, and upon the following conditions, namely, upon the requisi-

— manner of issue.

NOTE.—The words in brackets indicate the amendments made by the resolution of 1877, March 3, No. 7, and the act of 1878, May 16, ch. 106; the words in *italics* being stricken out and those in roman inserted. See also resolution of 1878, June 7, No. 26, p. —.

tion of the governors of said States or Territories showing the absolute necessity of arms for the protection of the citizens and their property against Indian raids into said States or Territories also that militia companies are regularly organized and under control of the governors of said States or Territories to whom said arms are to be issued, and that said governor or governors shall give a good and sufficient bond for the return of said arms or payment for the same at such time as the Secretary of War may designate. [*July* 3, 1876.]

NUMBER 17.

July 22, 1876.

19 Stat. L., 215.

JOINT RESOLUTION FOR THE ISSUE OF SILVER COIN.

SECTION
1. Silver coin to be issued in exchange for legal-tender notes, &c.
Fractional currency to be destroyed.
2. Trade dollar not to be legal tender, and its issue limited.
3. Fifty million dollars of subsidiary silver coin may be issued.
4. Purchase of silver bullion; price limited; seigniorage to be accounted for.
Amount to be invested in silver bullion limited.

Resolved, &c.

Silver coin to be issued in exchange for legal-tender notes, &c.
R. S., §§ 3513, 3572.
1876, April 17, ch. 63, § 2.
1879, June 9, ch. 12. June 21, ch. 34, § 3.

[SECTION 1], That the Secretary of the Treasury, under such limits and regulations as will best secure a just and fair distribution of the same through the country, may issue the silver coin at any time in the Treasury to an amount not exceeding ten million dollars, in exchange for an equal amount of legal-tender notes; and the notes so received in exchange shall be kept as a special fund separate and apart from all other money in the Treasury, and be reissued only upon the retirement and destruction of a like sum of fractional currency received at the Treasury in payment of dues to the United States;

Fractional currency to be destroyed.
1876, April 17, ch. 63, § 2.

And said fractional currency, when so substituted, shall be destroyed and held as part of the sinking fund, as provided in the act approved April seventeen, eighteen hundred and seventy-six.

Trade dollar not to be legal tender, and its issue limited.
R. S., § 3513.

SEC. 2. That the trade dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Fifty million dollars of subsidiary silver coin may be issued.
R. S., § 3513.
15 Opin. Att'y-Gen., 312.

SEC. 3. That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin, to an amount, that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall, in the aggregate, not exceed, at any time, fifty million dollars.

Purchase of silver bullion; price limited; seigniorage to be accounted for.
R. S., § 3526.

SEC. 4. That the silver bullion required for the purposes of this resolution shall be purchased, from time to time, at market-rate, by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this resolution when the market-rate for the same shall be such as will not admit of the coinage and issue, as herein provided, without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage:

Amount to be invested in silver bullion limited.
R. S., § 3526.

Provided, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed two hundred thousand dollars. [*July* 22, 1876.]

NUMBER 18.

JOINT RESOLUTION TO CORRECT AN ERROR IN THE ENROLMENT OF THE POST-OFFICE APPROPRIATION ACT.

July 25, 1876.
19 Stat. L., 215.

Compensation of postmasters; error in act corrected.

Resolved, &c., That the act approved July twelfth, eighteen hundred and seventy-six, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," be amended as follows:

In line thirty-six, section seven of said act (as printed by authority of the Department of State), after the word "sums" strike out the word "not." [*July* 25, 1876.]

Compensation of postmasters; error in act corrected. 1876, July 12, ch. 179, § 7.

NUMBER 20.

JOINT RESOLUTION PROHIBITING SUPPLY OF SPECIAL METALLIC CARTRIDGES TO HOSTILE INDIANS.

Aug. 5, 1876.
19 Stat. L., 216.

Metallic ammunition not to be supplied to hostile Indians; may be declared contraband of war.

Whereas, it is ascertained that the hostile Indians of the Northwest are largely equipped with arms which require special metallic cartridges, and that such special ammunition is in large part supplied to such hostile Indians directly or indirectly through traders and others in the Indian country: Therefore,

Resolved, &c., That the President of the United States is hereby authorized and requested to take such measures as in his judgment may be necessary to prevent such special metallic ammunition being conveyed to such hostile Indians, and is further authorized to declare the same contraband of war in such district of country as he may designate during the continuance of hostilities. [*August* 5, 1876.]

Metallic ammunition not to be supplied to hostile Indians; may be declared contraband of war. R. S., § 2136.

NUMBER 21.

JOINT RESOLUTION PROVIDING FOR THE POSTPONEMENT OF THE PUBLICATION OF THE ARMY REGULATIONS.

Aug. 15, 1876.
19 Stat. L., 216.

Publication of Army regulations to be postponed.

Whereas the President was, by an act of Congress approved March first, eighteen hundred and seventy-five, authorized to make and publish regulations for the government of the Army, in accordance with existing laws; and

Whereas by an act of Congress approved July twenty-four, eighteen hundred and seventy-six, a commission was created to which has been referred the whole subject matter of reform and reorganization of the Army of the United States; Therefore

Resolved, &c., That the President be requested to postpone all action in connection with the publication of said regulations until after the report of said commission is received and acted on, by Congress at its next session. (1) [*August* 15, 1876.]

Publication of Army Regulations to be postponed. 1875, March 1, ch. 115. 1879, June 13, ch. 35, § 2.

NOTE.—(1) By act of 1879, June 13, ch. 35, § 2, the Secretary of War is directed to cause the regulations of the Army and general orders to be codified and published.

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-FOURTH CONGRESS—SECOND SESSION,

IN

THE YEAR 1877.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts, and are not of general interest.
R. S. refers to Revised Statutes; S. L. and STAT. L. to Statutes at Large.]

CHAPTER 18.

AN ACT PROVIDING FOR THE SALE OF SALINE LANDS.

Jan. 12, 1877.

19 Stat. L., 221.

SECTION
1. Saline lands to be examined by registers and receivers.
— to be sold at public auction.
— may be sold at private sale; when.

SECTION
1. Act not to apply to certain States, &c. Patents to be only a release, &c.
2. Proclamation of sale of public lands; where to be published.

Be it enacted, &c.

[SECTION 1], That whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of said register and said receiver, under the regulations of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land office;

Saline lands to be examined by registers and receivers. R. S., § 2258.

And if, upon such testimony, the Commissioner of the General Land office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land office, and sold to the highest bidder for cash, at a price not less than one dollar and twenty-five cents per acre;

—to be sold at public auction. R. S., §§ 2353–2379.

And in case said lands fail to sell when so offered, then the same shall be subject to private sale, at such land office, for cash, at a price not less than one dollar and twenty-five cents per acre, in the same manner as other lands of the United States are sold,

—may be sold at private sale; when.

Provided, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time.

Act not to apply to certain States, &c.

Patents to be only a release, &c.

But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quit-claim of all title of the United States in such lands.

Proclamation of sale of public lands; where to be published.
R. S., § 2359.
1876, July 4, ch. 165.

SEC. 2. That all executive proclamations relating to the sales of Public Lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, and to be designated by the Secretary of the Interior. [*January* 12, 1877.]

CHAPTER 22.

Jan. 16, 1877.
19 Stat. L., 222.

AN ACT TO AMEND SECTION TEN HUNDRED AND THIRTY-SIX OF THE REVISED STATUTES RELATING TO THE DISTRICT OF COLUMBIA.

In District of Columbia, constables to take oath and give bond.

In District of Columbia, constables to take oath and give bond.
R. S., vol. 2, Dist. Col., § 1036.

Be it enacted, &c., That section ten hundred and thirty six of the Revised Statutes relating to the District of Columbia be amended to read as follows:

"Each constable shall, before performing any of the duties of his office, take the oath prescribed for civil officers in the District, and shall enter into a bond to the United States in the sum of five thousand dollars, with security, to be approved by the clerk of the supreme court of the District, conditioned for the faithful performance of the duties of his office, and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same.

And the clerk of said supreme court shall approve of no bond of any constable until at least three bondsmen shall sign said constable's bond, and each of said bondsmen shall file with said constable's bond an affidavit that he is the owner in fee-simple of unincumbered real estate, situated in the District of Columbia, of the cash value of at least five thousand dollars." [*January* 16, 1877.]

CHAPTER 23.

Jan. 16, 1877.
19 Stat. L., 222.

AN ACT AUTHORIZING THE RECORDER OF THE DISTRICT OF COLUMBIA TO APPOINT AN ASSISTANT WITH CERTAIN POWERS.

Recorder of deeds in District of Columbia may appoint deputy.
Deputy to act in cases of vacancy.
No additional expense or fees allowed.

Recorder of deeds in District of Columbia may appoint deputy.
R. S., vol. 2, Dist. Col., §§ 467–471.

Be it enacted, &c., That the recorder of deeds for the District of Columbia is authorized to appoint a deputy recorder; and all deeds of conveyance, leases, powers of attorney, and other written instruments required to be filed and recorded, and all copies of instruments and records, and certificates authorized by law, filed, recorded, made, and certified by the deputy recorder, shall have the same legality, force, and effect as if performed by the recorder.

Deputy to act in case of vacancy.

In case of a vacancy in the office of recorder by death, resignation, or other cause, the deputy recorder shall act until a recorder shall be duly appointed and qualified:

No additional expense or fees allowed.

Provided, That no additional expense shall be incurred by the District for said deputy, and no other fees shall be allowed than are now provided by law. [*January* 16, 1877.]

CHAPTER 24.

AN ACT TO AMEND SECTION FIFTY-FOUR HUNDRED AND FIFTY-SEVEN OF THE REVISE STATUTES OF THE UNITED STATES RELATING TO COUNTERFEITING (1)

Jan. 16, 1877.
19 Stat. L., 223.

Counterfeiting, &c., gold or silver coin or bars; how punished.

Be it enacted, &c., That Section fifty-four hundred and fifty-seven of the Revised Statutes of the United States be, and the same is hereby amended so as to read as follows: (1)

Counterfeiting, &c., gold or silver coin or bars; how punished. Substitute for—
R. S., § 5457.

"Every person who falsely makes, forges, or counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, or has in his possession any such false, forged or counterfeited coin or bars, knowing the same to be false, forged or counterfeited, with intent to defraud any body politic or corporate, or any other person or persons whatsoever, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years. [*January* 16, 1877.]

10 Pet., 618.
9 How., 560.
5 McLean, 23, 208.
4 Wash., 733.

NOTE.—(1) This amendment has been incorporated into the second edition of the Revised Statutes in § 5457.

CHAPTER 27.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF INVALID AND OTHER PENSIONS OF THE UNITED STATES FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

Jan. 19, 1877.
19 Stat. L., 223.

Commissioner of Pensions to report amount of annual additions and reductions.

Be it enacted, &c. * * *

* * Commissioner of Pensions * * * and hereafter he shall report the total annual amount paid for additions, also reductions on the annual pension rolls:

Commissioner of Pensions to report amount of annual additions and reductions.
R. S., §§ 470–474.

* * * * * * *

[*January* 19, 1877.]

CHAPTER 37.

AN ACT TO PROVIDE FOR AND REGULATE THE COUNTING OF VOTES FOR PRESIDENT AND VICE-PRESIDENT, AND THE DECISION OF QUESTIONS ARISING THEREON, FOR THE TERM COMMENCING MARCH FOURTH, ANNO DOMINI EIGHTEEN HUNDRED AND SEVENTY-SEVEN

Jan. 29, 1877.
19 Stat. L., 227.

SECTION

1. Counting votes for President and Vice-President, A. D. 1877.
Announcement of vote.
Objections.
— proceedings on.
2. Proceedings in case of double returns.
Electoral Commission.
Justices of Supreme Court.
President of commission.
Oath.
Commission not to be dissolved.
Vacancies; how filled.
Opening certificates in case of double returns.
2. Objections.
Certificates, &c., to be submitted to commission, and proceedings thereon.
Objections to be disposed of before proceeding to other cases.
3. Proceedings in joint session.
4. Debate in each House on objections limited.
5. Joint meeting; arrangement of seats.
— not to be dissolved until count declared, &c.
Legislative business may be proceeded with.
6. Right of legal proceedings not impaired.
7. Commission to make rules.

Be it enacted, &c.

[SECTION 1], That the Senate and House of Representatives shall meet in the hall of the House of Representatives, at the hour of one o'clock post meridian, on the first Thursday in February, anno Domini

Counting votes for President and Vice-President, A. D. 1877.
R. S., §§ 131–135.

eighteen hundred and seventy-seven; and the President of the Senate shall be their presiding officer.

Tellers. Two tellers shall be previously appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates, and papers purporting to be certificates, of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers having then read the same in the presence and hearing of the two houses, shall make a list of the votes as they shall appear from the said certificates;

Announcement of vote. And the votes having been ascertained and counted as in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the journals of the two houses. Upon such reading of any such certificate or paper when there shall be only one return from a State, the President of the Senate shall call for objections, if any.

Objections. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received.

—proceedings on. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative vote of the two Houses.

When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted.

Proceedings in case of double returns. SEC. 2. That if more than one return, or paper purporting to be a return from a State, shall have been received by the President of the Senate, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, (unless they shall be duplicates of the same return,) all such returns and papers shall be opened by him in the presence of the two Houses when met as aforesaid, and read by the tellers, and all such returns and papers shall thereupon be submitted to the judgment and decision as to which is the true and lawful electoral vote of such State, of a commission constituted as follows, namely:

Electoral Commission. During the session of each House on the Tuesday next preceding the first Thursday in February, eighteen hundred and seventy-seven, each House shall, by viva voce vote, appoint five of its members, who with the five associate justices of the Supreme Court of the United States, to be ascertained as hereinafter provided, shall constitute a commission for the decision of all questions upon or in respect of such double returns named in this section.

Justices of Supreme Court. On the Tuesday next preceding the first Thursday in February, anno Domini eighteen hundred and seventy-seven, or as soon thereafter as may be, the associate justices of the Supreme Court of the United States now assigned to the first, third, eighth, and ninth circuits shall select, in such manner as a majority of them shall deem fit, another of the associate justices of said court, which five persons shall be members of said commission;

President of commission. And the person longest in commission of said five justices shall be the president of said commission.

The members of said commission shall respectively take and subscribe the following oath: Oath.

"I, ——— ———, do solemnly swear (or affirm, as the case may be) that I will impartially examine and consider all questions submitted to the commission of which I am a member, and a true judgment give thereon, agreeably to the Constitution and the laws: so help me God;"

which oath shall be filed with the Secretary of the Senate.

When the commission shall have been thus organized, it shall not be in the power of either house to dissolve the same, or to withdraw any of its members; Commission not to be dissolved.

But if any such Senator or member shall die or become physically unable to perform the duties required by this act, the fact of such death or physical inability shall be by said commission, before it shall proceed further, communicated to the Senate or House of Representatives, as the case may be, which body shall immediately and without debate proceed by viva voce vote to fill the place so vacated, and the person so appointed shall take and subscribe the oath hereinbefore prescribed, and become a member of said commission; Vacancies; how filled.

And, in like manner, if any of said justices of the Supreme Court shall die or become physically incapable of performing the duties required by this act, the other of said justices, members of the said commission, shall immediately appoint another justice of said court a member of said commission, and, in such appointments, regard shall be had to the impartiality and freedom from bias sought by the original appointments to said commission, who shall thereupon immediately take and subscribe the oath hereinbefore prescribed, and become a member of said commission to fill the vacancy so occasioned.

All the certificates and papers purporting to be certificates of the electoral votes of each State shall be opened, in the alphabetical order of the States, as provided in section one of this act; and when there shall be more than one such certificate or paper, as the certificates and papers from such State shall so be opened, (excepting duplicates of the same return,) they shall be read by the tellers, and thereupon the President of the Senate shall call for objections, if any. Opening certificates in case of double returns.

Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one member of the House of Representatives before the same shall be received. Objections.

When all such objections so made to any certificate, vote, or paper from a State shall have been received and read, all such certificates, votes, and papers so objected to, and all papers accompanying the same, together with such objections, shall be forthwith submitted to said commission, which shall proceed to consider the same, with the same powers, if any, now possessed for that purpose by the two Houses acting separately or together, and, by a majority of votes, decide whether any and what votes from such State are the votes provided for by the Constitution of the United States, and how many and what persons were duly appointed electors in such State, and may therein take into view such petitions, depositions, and other papers, if any, as shall, by the Constitution and now existing law, be competent and pertinent in such consideration; which decision shall be made in writing, stating briefly the ground thereof, and signed by the members of said commission agreeing therein; whereupon the two houses shall again meet, and such decision shall be read and entered in the journal of each House, and the counting of the votes shall proceed in conformity therewith, unless, upon objection made thereto in writing by at least five Senators and five members of the House of Representatives, the two Houses shall separately concur in ordering otherwise, in which case such concurrent order shall govern. Certificates, &c., to be submitted to commission, and proceedings thereon.

No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of. Objections to be disposed of before proceeding to other cases.

Proceedings in joint session.

SEC 3. That while the two Houses shall be in meeting, as provided in this act, no debate shall be allowed and no question shall be put by the presiding officer, except to either House on a motion to withdraw; and he shall have power to preserve order.

Debate in each House on objections, limited.

SEC 4. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or upon objection to a report of said commission, or other question arising under this act, each Senator and Representative may speak to such objection or question ten minutes, and not oftener than once; but after such debate shall have lasted two hours, it shall be the duty of each House to put the main question without further debate.

Joint meeting; arrangement of seats.

SEC 5. That at such joint meeting of the two Houses, seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators in the body of the hall upon the right of the presiding officer; for the Representatives, in the body of the hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform.

—not to be dissolved until count declared, &c.

Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next day, Sunday excepted, at the hour of ten o'clock in the forenoon.

Legislative business may be proceeded with.

And while any question is being considered by said commission, either House may proceed with its legislative or other business.

Right of legal proceedings not impaired.

SEC 6. That nothing in this act shall be held to impair or affect any right now existing under the Constitution and laws to question, by proceeding in the judicial courts of the United States, the right or title of the person who shall be declared elected, or who shall claim to be President or Vice-President of the United States, if any such right exists.

Commission to make rules, &c.

SEC 7. That said commission shall make its own rules, keep a record of its proceedings, and shall have power to employ such persons as may be necessary for the transaction of its business and the execution of its powers. [*January* 29, 1877.]

CHAPTER 41.

Jan. 31, 1877.

19 Stat. L., 230.

AN ACT TO AMEND SECTIONS FIVE HUNDRED AND THIRTY-THREE, FIVE HUNDRED AND FIFTY-SIX, FIVE HUNDRED AND SEVENTY-ONE, AND FIVE HUNDRED AND SEVENTY-TWO OF THE REVISED STATUTES OF THE UNITED STATES, RELATING TO COURTS IN ARKANSAS AND OTHER STATES. (1)

Arkansas judicial districts.
— western.
— eastern.
Clerks in eastern district.
Terms of court in eastern district.
— in western district.
District courts in Arkansas, Mississippi, South Carolina, and West Virginia to have circuit court jurisdiction.

Arkansas judicial districts. Substitute for—
R. S., § 533.

Be it enacted, &c., That section five hundred and thirty-three of the Revised Statutes be amended so as to read as follows: (1)

— western.

"SEC. 533. That the State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas.

The western district includes the counties of Benton, Washington, Crawford, Sebastian, Scott, Polk, Sevier, Little River, Howard, Montgomery, Yell, Logan, Franklin, Johnson, Madison, Newton, Carroll,

NOTE.—(1) The amendments made by this act are incorporated into the second edition of the Revised Statutes in the sections referred to in the margin.

Boone and Marion, and the country lying west of Missouri and Arkansas, known as the Indian Territory.

The eastern district includes the residue of said State."

Arkansas judicial districts.
—eastern.
5 Dill., 392.

That section five hundred and fifty-six be amended so as to read as follows: (2)

"SEC. 556. In the eastern district of Arkansas, there shall be appointed two clerks of the district court thereof, one of whom shall reside and keep his office at Little Rock, and the other shall reside and keep his office at Helena."

Clerks in eastern district. Substitute for—
R. S., § 556.

That section five hundred and seventy-two be so amended as to provide for the holding of the regular terms of court in the eastern and western districts of Arkansas, as follows: (2)

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October, and at Helena on the second Monday in March and October.

In the western district of Arkansas, at Fort Smith on the first Monday in February, May, August, and November.

Terms of court in eastern district.
R. S., § 572.
—in western district. Substitute for—
R. S., § 572.

That section five hundred and seventy-one be amended so as to read as follows: (2)

"SEC. 571. The district courts for the western district of Arkansas, the eastern district of Arkansas at Helena, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court." [*January* 3 1, 1877.]

District courts in Arkansas, Mississippi, South Carolina, and West Virginia to have circuit-court jurisdiction.
R. S., § 571.

NOTE.—(2) The amendments here made are incorporated into the second edition of the Revised Statutes in the sections referred to in the margin.

CHAPTER 58.

AN ACT TO PROVIDE FOR A DEFICIENCY IN THE APPROPRIATION FOR THE PUBLIC PRINTING AND BINDING FOR THE CURRENT FISCAL YEAR, AND FOR OTHER PURPOSES.

Feb. 16, 1877.
19 Stat. L., 231.

Pay of printers and book-binders by Public Printer.

Be it enacted, &c.

* * * * * * *

That from and after the close of the present session of Congress the public printer shall pay no greater price for composition than fifty cents per thousand ems and forty cents per hour for time work to printers and book-binders. [*February* 16, 1877.]

Pay of printers and book-binders by Public Printer.
R. S., § 3763.
1876, July 31, ch. 246, § 1, par. 1.
14 C. Cls., 200.

CHAPTER 60.

AN ACT TO CHANGE THE TIME OF HOLDING THE OCTOBER TERM OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA.

Feb. 17, 1877.
19 Stat. L., 232.

District court of Nebraska to be held second Monday in November.

Be it enacted, &c., That the fall term of the United States district court for the district of Nebraska shall hereafter be held on the second Monday in November in each year, instead of the "Wednesday after the second Tuesday in October," as now provided by law. [*February* 17, 1877.]

District court of Nebraska to be held 2d Monday in November.
R. S., § 572.
1878, June 19, ch. 315.

CHAPTER 69.

Feb. 27, 1877.
19 Stat. L., 240.

AN ACT TO PERFECT THE REVISION OF THE STATUTES OF THE UNITED STATES, (1) AND OF THE STATUTES RELATING TO THE DISTRICT OF COLUMBIA.

SECTION 1.

AMENDMENTS TO REVISED STATUTES.

Par. 1. R. S., § 197. Inventories for supplies in departments not to include stationery, &c., for Congressional Library.
2. R. S., § 215. Chief clerk of War Department; his appointment and duties.
3. R. S., § 225. In settling accounts of commanding officers of companies, affidavit by officers of loss to be received, &c.
4. R. S., § 252. Repeal.
5. R. S., § 259. Reports of statistics.
6. R. S., § 317. Duties of Commissioner of Customs.
7. R. S., § 335. Bureau of Statistics.
8–11. R. S., §§ 354, 537, 702, 838. Verbal errors corrected.
12. R. S., § 875. On letters rogatory from foreign countries, witnesses may be compelled to appear, &c.
13, 14. R. S., §§ 1094, 1097. Errors corrected.
15. R. S., § 1102. Surgeons to cavalry regiments.
16. R. S., § 1110. Ordnance sergeants.
17. R. S., § 1118. Felons not to be enlisted in Army.
18. R. S., § 1126. Chaplains.
19. R. S., § 1131. Inspectors-general reduced to four.
20. R. S., § 1132. Appointment in Quartermaster's Department to be from Army. In absence of chiefs of bureaus in War Department, who to act.
21. R. S., § 1136. In purchase of property for public buildings, title-deeds to be furnished Attorney-General, and his opinion had, &c.
22. R. S., § 1137. Forage and wagon masters' pay, &c.
23. R. S., § 1139. Quartermaster-General to render accounts quarterly.
24. R. S., § 1162. Chief of Ordnance may enlist what men.
25. R. S., § 1163. —to detail enlisted men to corps, &c.
26. R. S., § 1167. Officers of Ordnance Department and those intrusted with stores, &c., to make returns to Chief of Ordnance. Chief of Ordnance to make rules.
27. R. S., § 1174. Supervision of cooking in Army.
28. R. S., § 1191. Quartermaster-General not liable for money in hands of subordinates.
29. R. S., § 1207. Promotion of lieutenants of Engineer Corps.
30. R. S., § 1220. Clothing issued to regiments may be altered to fit, and expense, how paid.
31. R. S., § 1221. Return of clothing and camp equipage.
32. R. S., § 1224. Officers of Army not to engage in civil service, &c., interfering with military duties.
33. R. S., § 1259. Retired officers to receive no extra pay when assigned to Soldiers' Home.
34. R. S., § 1260. —nor when detailed to serve as college professors.
35. R. S., § 1270. Commutation of forage. —mounted officers to receive pay of cavalry officers.
36. R. S., § 1279. Pay of artificers and wagoners. —of principal assistant in Ordnance Bureau.
37. R. S., § 1280. Pay of enlisted men.
38. R. S., § 1289. Travel pay of discharged officers.
39. R. S., § 1290. —of discharged soldiers.
40. R. S., § 1337. Pay of instructors of engineers.
41. R. S., § 1342, *Art.* 26. Punishment for challenges by officers and soldiers.
42. R. S., § 1375. Pay of assistant in Bureau of Medicine and Surgery in Navy.

SECTION 1.

Par. 43. R. S., § 1480. Grades of staff-officers of Navy; how filled, &c.
44. R. S., § 1602. Assistant quartermaster of Navy; rank.
45. R. S., § 2084. Verbal error corrected.
46. R. S., § 2055. Salary of Indian agent.
47. R. S., § 2073. Verbal error corrected.
48. R. S., § 2139. Sale of liquor in Indian country.
49. R. S., § 2450. Suspended entries on public lands to be decided by Secretary of Interior, &c.
50. R. S., § 2451. Same.
51. R. S., § 2504. Duty on sulphur-flowers.
52. R. S., § 2505. — on skins, &c., repealed.
53. R. S., § 2508. Verbal error corrected.
54. R. S., § 2514. Same.
55. R. S., § 2517. Collection districts and ports, alterations in.
56. R. S., § 2518. Collector of port to reside at Bangor.
57. R. S., § 2519. Collectors in Maine, how may agree upon boundaries of certain districts.
58. R. S., § 2527. Collection district of Fall River.
59. R. S., § 2530. Employés in appraiser's office in Boston.
60. R. S., § 2536. In New York district, surveyors for ports of Cold Spring and Jefferson to be appointed.
61. R. S., § 2545. Employés in appraiser's office in Philadelphia.
62–64. R. S., §§ 2555, 2578, 2579. Verbal errors corrected.
65. R. S., § 2582. Wilmington, Cal., instead of San Pedro, a port of delivery.
66. R. S., § 2585. — vessels going to or from, need not report at San Francisco.
67, 68. R. S., §§ 2587, 2596. Typographical errors corrected.
69. R. S., § 2619. Bonds of collectors, naval officers, and surveyors; form of.
70. R. S., § 2659. Commissions of collectors on hospital dues.
71. R. S., § 2660. Additional compensation to collectors of Plymouth, Gloucester, and Nantucket.
72. R. S., § 2675. Compensation of certain collectors.
73. R. S., § 2691. Limit of pay of certain collectors.
74. R. S., § 2702. Typographical error corrected.
75. R. S., § 2720. Limit of pay of surveyors.
76. R. S., § 2727. General appraisers abolished.
77. R. S., § 2742. Pay of gangers at Boston.
78. R. S., § 2746. Additional pay to deputy collectors and surveyors at San Francisco.
79. R. S., § 2810. Verbal error corrected.
80. R. S., § 2819. Goods for Bayport may be entered at Cedar Keys, and not at Saint Marks.
81. R. S., § 2820. Verbal error corrected.
82. R. S., § 2821. Goods for Houston may be entered at Galveston.
83. R. S., § 2822. Goods for Natchez not to be entered at New Orleans.
84, 85. R. S., §§ 2826, 2841. Verbal errors corrected.
86. R. S., § 2865. Smuggling or using false, &c., invoices; how punished.
87. R. S., § 2909. Repeal of, additional duty, &c.
88. R. S., § 2936. Verbal error corrected.
89. R. S., § 2978. Exportation for drawback.
90. R. S., § 2984. Verbal error corrected.
91. R. S., § 2988. Reports of goods in warehouses not to be published.
92. R. S., § 2989. Regulations of bond and warehouse system.
93. R. S., § 3001. Remission of additional duty on failure to transport goods in bond from one district to another.

NOTE.—(1) The amendments, paragraphs 1–184, are incorporated in the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

SECTION 1.
Par. 94. R. S., § 3002. Goods at Brownsville for export to Mexico.
95. R. S., § 3003. Verbal error corrected.
96. R. S., § 3005. Goods at Brownsville for export to Mexico.
97. R. S., § 3009. Duties may be paid in coin certificates.
98. R. S., § 3011. Duties not to be recovered back without protest and appeal.
99. R. S., § 3083. Verbal error corrected.
100. R. S., § 3090. Same.
101. R. S., § 3100. Inspection of baggage and articles of passengers, &c.
102. R. S., § 3105. Verbal error corrected.
103. R. S., § 3120. Regulations of coasting trade on Lake Michigan.
104. R. S., § 3140. In internal-revenue laws, "person" includes partnerships, companies, &c.
105. R. S., § 3141. Verbal error corrected.
106–116. Same.
117. R. S., § 3433. Spirits for use in manufacture of medicine in bonded warehouses for exportation not to be removed, &c.
118. R. S., § 3456. Verbal error corrected.
119. R. S., § 3473. Duties may be paid in coin certificates.
120–122. Verbal errors corrected.
123. R. S., § 3618. Proceeds of sale of supplies to officers, &c., of Army not to be covered into Treasury.
124. R. S., § 3620. Disbursing officers to pay only by check drawn in favor of creditors.
125. R. S., § 3622. Verbal error corrected.
126. R. S., § 3625. Commissioner of Customs to certify accounts of delinquent officers to Solicitor of Treasury.
127. R. S., § 3663. Verbal error corrected.
128. R. S., § 3672. Statement of sale of old materials not to include supplies sold officers, &c.
129. R. S., § 3689. Error of reference corrected.
130. R. S., § 3692. Proceeds of sale of stores to Army officers, &c.; how disposed of.
131. R. S., § 3714. Contractors for military or naval supplies to render accounts.
132–134. Verbal errors corrected.
135. R. S., § 3743. Certain contracts to be deposited with Commissioner of Customs.
136. R. S., § 3772. Verbal error corrected.
137. R. S., § 3802. Same.
138. R. S., § 3915. Special postal stamps or envelopes for departments.
139. R. S., § 4203. Verbal error corrected.
140. R. S., § 4219. Tonnage duties; rates of.
— additional tax on vessels from foreign ports.
— rights under treaties not impaired.

SECTION 1.
— additional tax on vessels when any officer is an alien.
Par. 141. R. S., § 4264. Space required on vessels for steerage passengers on steam vessels; provisions concerning.
142–146. Verbal errors corrected.
147. R. S., § 4320. License of vessels for coasting trade or fisheries not subject to six cents per ton duty.
148. R. S., § 4347. Verbal error corrected.
149. R. S., § 4381. Same.
Fees collected of masters of vessels; how disposed of to surveyors, collectors, and naval officers.
150–161. Verbal errors corrected.
162. R. S., § 4575 Copy of shipping articles to be obtained of collectors.
163. R. S., § 4605. Verbal error corrected.
164. R. S., § 4620. Special counsel in prize cases; repeal.
165, 166. Verbal errors corrected.
167. R. S., § 4770. Repeal of provisions as to duplicates of lost checks.
168. R. S., § 4787. Artificial limbs to be supplied to what officers, &c.
169. R. S., § 4790. — commutation for.
170. R. S., § 4791. — transportation to obtain.
171–174. R. S., §§ 5020, 5174, 5211, 5225. Verbal errors corrected.
175. R. S., § 5269. Penalty for refusing to transmit certain public dispatches by telegraph companies; how recovered.
176–180. R. S., §§ 5291, 5292, 5293, 5309, 5413. Verbal errors corrected.
181. R. S., § 5455. Enticing desertions from military or naval service.
182–184. R. S., §§ 5470, 5479, 5579. Verbal errors corrected.

REVISED STATUTES OF DISTRICT OF COLUMBIA.

SECTION 2.
Par. 1–4. R. S., §§ 192, 195, 309, 312. Verbal errors corrected.
5. R. S., § 322. Police commissioners to be appointed with advice of Senate.
6. R. S., § 445. Verbal error corrected.
7. R. S., § 467. Recorder of deeds to be appointed with advice of Senate.
8, 9. R. S., §§ 476, 717. Verbal errors corrected.
10. R. S., § 754. Supreme court of District in general term.
11. R. S., § 763. Jurisdiction of supreme court of District.
12–18. R. S., §§ 764, 765, 780, 811, 841, 842, 847. Verbal errors corrected.
19. R. S., § 873. Compensation of jurors.
20–23. R. S., §§ 897, 1193, 1283, 1288. Verbal errors corrected.

Be it enacted, &c.

Amendments to Revised Statutes.

[SECTION 1], That for the purpose of correcting errorors and supplying omissions in the act entitled "An act to revise and consolidate the Statutes of the United States in force on the first day of December, anno Domini one thousand eight hundred and seventy-three," so as to make the same truly express such laws, the following amendments are hereby made therein:(1)

Inventories of supplies in departments not to include stationery, &c., for Congressional Library.
R. S., § 197.

[*Par.* 1.] Section one hundred and ninety-seven is amended by inserting at the end of the section the words "except supplies of stationery and fuel in the public offices and books, pamphlets, and papers in the Library of Congress."

Chief clerk of War Department; his appointment and duties.
R. S., § 215.
1874, March 4, ch. 44.
1874, June 20, ch. 328, § 1, par. 14.

[*Par.* 2.] Section two hundred and fifteen is amended by adding at the end of the section the following:

There shall be in the said Department an inferior officer, to be appointed by the said principal officer to be employed therein as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said Department."

NOTES.—(1) These amendments and corrections are incorporated into the second edition of the Revised Statutes in their proper places. See Wright's case, 15 C. Cls., 80.

In settling accounts of commanding officers of companies, affidavit by officers of loss to be received, &c.
R. S., § 225.

[*Par.* 3.] Section two hundred and twenty-five is amended by adding at the end of the section the following:

In settling the accounts of the commanding officer of a company for clothing and other military supplies, the affidavit of any such officer may be received to show the loss of vouchers or company books, or any matter, or circumstance tending to prove that any apparent deficiency was occasioned by unavoidable accident or lost in actual service, without any fault on his part, or that the whole or any part of such clothing and supplies had been properly and legally used and appropriated; and such affidavit may be considered as evidence to establish the facts set forth, with or without other evidence, as may seem to the Secretary of War just and proper under the circumstances of the case."

Repeal of.
R. S., § 252.

[*Par.* 4.] Section two hundred and fifty two is struck out.

Reports of statistics.
R. S., § 259.

[*Par.* 5.] Section two hundred and fifty-nine is amended by striking out, in the fourth line, the word "agriculture."

Duties of Commissioner of Customs.
R. S., § 317.

[*Par.* 6.] Section three hundred and seventeen is amended by adding thereto the following:

"And shall perform all the acts and exercise all the powers, relating to the receipts from customs and the accounts of collectors and the other officers of the customs or connected therewith, devolved by section two hundred and sixty-nine upon the First Comptroller in regard to other receipts and other accounts."

Bureau of Statistics.
R. S., § 335.

[*Par.* 7.] Section three hundred and thirty-five is amended by striking out, in the fourth line the word "agriculture."

Verbal error.
R. S., § 354.

[*Par.* 8.] Section three hundred and fifty-four is amended by inserting after the word "questions" in the second line, the word "of."

R. S., § 637.

[*Par.* 9. Section six hundred and thirty-seven is amended by inserting after the word "circuit" in the ninth line, the word "court".

R. S., § 702.

[*Par.* 10.] Section seven hundred and two is amended by inserting, after the word "cause" in the eleventh line, the word "when".

R. S., § 838.

[*Par.* 11.] Section eight hundred and thirty-eight is amended by inserting after the word "be" in the first line, the word "the".

On letters rogatory from foreign courts witnesses may be compelled to appear, &c.
R. S., §§ 875, 4071.

[*Par.* 12.] Section eight hundred and seventy-five is amended by adding at the end of the section the following: (2)

"When letters rogatory are addressed from any court of a foreign country to any circuit court of the United States, a commissioner of such circuit court designated by said court to make the examination of the witnesses mentioned in said letters, shall have power to compel the witnesses to appear and depose in the same manner as witnesses may be compelled to appear and testify in courts."

Verbal error.
R. S., § 1094.

[*Par.* 13.] Section one thousand and ninety-four is amended by striking out the word "post", in the twenty fifth line, before the words "ordnance sergeant".

R. S., § 1097.

[*Par.* 14.] Section one thousand and ninety-seven is amended by inserting, in the second line, after the word "who", the word "shall".

Surgeons to cavalry regiments.
R. S., § 1102.

[*Par.* 15.] Section eleven hundred and two is amended by striking out, after the word "majors", in the second line, the words "one surgeon, one assistant surgeon"; and in the seventh line after the word "the", insert the words "seventh, eighth".

Ordnance sergeants.
R. S., § 1110.

[*Par.* 16.] Section eleven hundred and ten is amended by striking out the word "post" before the words "ordnance sergeants" in the first line.

Felons not to be enlisted in Army.
R. S., § 1118.

[*Par.* 17.] Section eleven hundred and eighteen is amended by striking out the words "any criminal offence" in the third line, and inserting the words "a felony".

Chaplains.
R. S., § 1126.

[*Par.* 18.] Section eleven hundred and twenty-six is amended by inserting a comma after the word "post", in the first line.

Inspectors-general.
R. S., § 1131.
16 Opin. Att'y-Gen., 638.

[*Par.* 19.] Section eleven hundred and thirty-one is amended by inserting, after the word "cavalry" in the second line, the words "provided no promotion shall be made until the number of inspectors-general is reduced to four".

NOTE.—(2) The amendment here added to § 875 has no connection with the subject-matter of that section, but is supplementary to the provisions of § 4071.

[*Par.* 20.] Section eleven hundred and thirty two is amended by adding at the end of the section the following:

"All appointments in the Quartermaster's Department shall be made from the Army.

During the absence of the Quartermaster-General, or the chief of any military bureau of the War Department, the President is authorized to empower some officer of the department or corps whose chief is absent to take charge thereof, and to perform the duties of Quartermaster-General, or chief of the department or corps, as the case may be, during such absence."

Appointments in Quartermaster's Department to be from Army.
R. S., § 1132.

In absence of chiefs of bureaus in War Department who to act.
R. S., § 178.

[*Par.* 21.] Section eleven hundred and thirty-six is amended by adding at the end of the section the following:

"It shall be the duty of all officers of the United States having any of the title-papers (property purchased, or about to be purchased, for erection of public buildings) in their possession, to furnish them forthwith to the Attorney-General. No public money shall be expended until the written opinion of the Attorney-General shall be had."

In purchase of property for public buildings, &c., title-deeds to be furnished Attorney-General and his opinion had.
R. S., §§ 355, 1136.

[*Par.* 22.] Section eleven hundred and thirty-seven is amended by inserting, in the third line, after the word "service" the following: "who shall be entitled to receive each forty dollars per month and three rations per day, and forage for one horse".

Forage and wagon masters' pay, &c.
R. S., § 1137.

[*Par.* 23.] Section eleven hundred and thirty-nine is amended by adding at the end of the section the following: "And he shall account to the Secretary of War at least once in three months for all property and money that may pass through his hands, or the hands of his subordinate officers."

Quartermaster-General to render accounts quarterly.
R. S., § 1139.

[*Par.* 24.] Section eleven hundred and sixty two is amended by striking out all after the word "many" in the first line and inserting the following: "sergeants of ordnance, corporals of ordnance, and first and second class privates of ordnance, as the Secretary of War may direct."

Chief of Ordnance may enlist what men.
R. S., § 1162.

[*Par.* 25.] Section eleven hundred and sixty three is amended by striking out, in the third line, the words "privates of first class", and inserting the words "ordnance enlisted men", in lieu thereof.

—to detail enlisted men to corps, &c.
R. S., § 1163.

[*Par.* 26.] Section eleven hundred and sixty seven is amended by inserting at the end thereof the following words:

"Every officer of the Ordnance Department, every ordnance-store keeper, every post ordnance sergeant, each keeper of magazines, arsenals, and armories, every assistant and deputy of such, and all other officers, agents, or persons who shall have received or may be entrusted with any stores or supplies, shall quarterly, or oftener if so directed, and in such manner and on such forms as may be directed or prescribed by the Chief of Ordnance, make true and correct returns to the Chief of Ordnance of all ordnance-arms, ordnance-stores, and all other supplies and property of every kind, received by or intrusted to them and each of them, or which may in any manner come into their and each of their possession or charge.

Officers of Ordnance Department and those intrusted with stores, &c., to make returns to Chief of Ordnance.
R. S., § 1167.

"The Chief of ordnance, subject to the approval of the Secretary of War, is hereby authorized and directed to draw up and enforce in his department a system of rules and regulations for the government of the Ordnance Department, and of all persons in said department, and for the safe keeping and preservation of all ordnance property of every kind, and to direct and prescribe the time, number, and forms of all returns and reports, and to enforce compliance therewith."

Chief of Ordnance to make rules, &c.

[*Par.* 27.] Section eleven hundred and seventy-four is amended by inserting, after the word "line" in the second line, the words "under such rules and regulations as shall be prescribed by the Secretary of War".

Supervision of cooking in Army.
R. S., § 1171.

[*Par.* 28.] Section eleven hundred and ninety-one is amended by adding at the end of the section the following:

"But the Quartermaster General shall not be liable for any money or property that may come into the hands of the subordinate officers of his department."

Quartermaster-General not liable for money in hands of subordinates.
R. S., § 1191.

[*Par.* 29.] Section twelve hundred and seven is amended by inserting after the word "engineers" in the first line, the words "or Ordnance Corps".

Promotion of lieutenants of Engineer Corps.
R. S., § 1207.

NOTE.—See note on page 265.

Clothing issued to regiments may be altered to fit; expenses how paid.
R. S., § 1220.

[*Par.* 30.] Section twelve hundred and twenty is amended by adding at the end of the section the following:

"It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests, and overalls or breeches which may from time to time be issued to and for his regiment to be altered and new-made, so as to better to fit them to the persons respectively for whose use they shall be delivered; and for defraying the expense of such alterations, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding twenty five cents for each coat, eight cents for each vest and for each pair of overalls or breeches."

Returns of clothing and camp equipage.
R. S., § 1221.

[*Par.* 31.] Section twelve hundred and twenty-one is amended by adding at the end of the section the following:

"Said returns and vouchers, after due examination by the Quartermaster General shall be transmitted for settlement to the proper accounting officer of the Treasury Department."

Officers of Army not to engage in civil service, &c., interfering with military duty.
R. S., §§ 1224, 2062.
1875, March 3, ch. 178, § 2.
15 Opin. Att'y-Gen., 405. 16 Opin. Att'y-Gen., 499.

[*Par.* 32.] Section twelve hundred and twenty-four is amended by striking out the same and inserting in lieu thereof the following:

"No officer of the Army shall be employed on civil works or internal improvements, or be allowed to engage in the service of any incorporated company, or be employed as acting paymaster or disbursing-agent of the Indian Department, if such extra employment requires that he shall be separated from his company, regiment, or corps, or if it shall otherwise interfere with the performance of the military duties proper."

Retired officers to receive no extra pay when assigned to Soldiers' Home.
R. S., § 1259.

[*Par.* 33.] Section twelve hundred and fifty nine is amended by adding at the end of the section the following:

"*Provided*, That they receive from the Government only the pay and emoluments allowed by law to retired officers."

—nor when detailed to serve as college professors.
R. S., § 1260.

[*Par.* 34.] Section twelve hundred and sixty is amended by adding at the end of the section the following:

"But while so serving, such officer shall be allowed no additional compensation."

Commutation of forage.
R. S., § 1270.
1878, June 16, ch. 263, § 8.
1881, Feb. 24, ch. 79, § 1, pars. 1, 3.

[*Par.* 35.] Section twelve hundred and seventy is amended by adding at the end of the section the following:

Provided, however, That when forage in kind cannot be furnished by the proper departments, then and in all such cases, officers entitled to forage may commute the same according to existing regulations:

Mounted officers to receive pay of cavalry officers.
R. S., §§ 1261, 1279.

Provided further, That officers of the Army and of Volunteers assigned to duty which requires them to be mounted shall, during the time they are employed on such duty receive the pay, emoluments, and allowances of cavalry officers of the same grade respectively."

Pay of artificers and wagoners.
R. S., § 1279.

[*Par.* 36.] Section twelve hundred and seventy nine is amended by adding at the end thereof the following words: "Artificer of artillery and infantry, fifteen dollars per month; wagoner of cavalry, artillery, and infantry, fourteen dollars per month.

—of principal assistant in Ordnance Bureau.

The principal assistant in the Ordnance Bureau shall receive a compensation, including pay and emoluments, not exceeding that of a major of ordnance."

Pay of enlisted men.
R. S., § 1280.

[*Par.* 37.] Section twelve hundred and eighty is amended by striking out in the third line the word "conditions" and inserting the word "additions"

Travel pay of discharged officers.
R. S., § 1289.

[*Par.* 38.] Section twelve hundred and eighty-nine is amended by striking out in the first line, after the word "is" the word "honorably" and insert after the word "service" the words "except by way of punishment for an offense".

—of discharged soldiers.
R. S., § 1290.

[*Par.* 39.] Section twelve hundred and ninety is amended by striking out in the first line, after the word "is" the word "honorably" and insert after the word "service" the words "except by way of punishment for an offense".

Pay of instructor of engineering.
R. S., §§ 1336, 1337.

[*Par.* 40.] Section thirteen hundred and thirty-seven is amended by striking out, in the second line after the word "tactics" the words "and the instructor of practical military engineering"

[*Par.* 41.] Section thirteen hundred and forty-two is amended by striking out, in the fourth line of article of war twenty six, after the word "such" the word "corporal" and in the third line of article of war thirty eight, after the word "such" the word "corporal"

Punishment for challenges by officers and soldiers. R. S., § 1342, art. 26.

[*Par.* 42.] Section thirteen hundred and seventy-five is amended by adding the words "who shall receive the highest shore pay of his grade;" and said section thirteen hundred and seventy-five shall have the same force and effect as though enacted as herein amended"

Pay of assistant in Bureau of Medicine in Navy. R. S., § 1375. 15 Opin. Att'y-Gen., 259.

[*Par.* 43.] Section fourteen hundred and eighty is amended by adding at the end of the section the following:

"The grades established in the six preceding sections for the staff corps of the Navy shall be filled by appointment from the highest members in each corps, according to seniority;

And new commissions shall be issued to the officers so appointed, in which the titles and grades established in said sections shall be inserted;

And no existing commission shall be vacated in the said several staff corps, except by the issue of the new commissions required by the provisions of this section;

And no officer shall be reduced in rank or lose seniority in his own corps by any change which may be required under the provisions of the said six preceding sections:

Provided, That the issuing of a new appointment and commission to any officer of the pay corps under the provisions of this section shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission."

Grades of staff corps of Navy, &c. R. S., §§ 1474–1480. 16 Opin. Att'y-Gen., 415.

[*Par.* 44.] Section sixteen hundred and two is amended by striking out, in the second line after the word "major" the word "the" and inserting the word "each".

Assistant quartermasters of Navy; rank. R. S., § 1602.

[*Par.* 45.] Section two thousand and thirty-four is amended by inserting in the last line after the word "Secretary", the word "of".

Verbal error. R. S., § 2034

[*Par.* 46.] Section two thousand and fifty five is amended by adding thereto the words "except as herein otherwise provided for."

Salary of Indian agents. R. S., § 2055.

[*Par.* 47.] Section two thousand and seventy three is amended by inserting, in the second line, after the word "such", the word "agents," and by striking out, in the last line, the word "immigration" and inserting therefor the word "emigration".

Verbal error. R. S., § 2073.

[*Par.* 48.] Section twenty one hundred and thirty-nine is amended by striking out, in lines two and three, the words "except an Indian in the Indian country".

Sale of liquor in Indian country. R. S., § 2139.

[*Par.* 49.] Section twenty four hundred and fifty is amended by striking out, in the fourth line, the words "Secretary of the Treasury" and inserting the words "Secretary of the Interior".

Suspended entries of public lands, &c. R. S., § 2450.

[*Par.* 50.] Section twenty four hundred and fifty-one is amended by striking out, in the first and second lines the words "Secretary of the Treasury", and inserting the words "Secretary of the Interior"

Same. R. S., § 2451.

[*Par.* 51.] Section twenty-five hundred and four is amended by striking out, in Schedule M, after the word "sulphur," the word "flour" and insert the word "flowers."

Duty on sulphur-flowers. R. S., 2d ed., § 2504, p. 481.

[*Par.* 52.] Section twenty five hundred and [*and*] five is amended by striking out, after the words "skins, dried, salted, or pickled", the words "ten per centum ad valorem"

—on skins, &c., repealed. R. S., 2d ed., § 2505, p. 488.

[*Par.* 53.] Section twenty five hundred and eight is amended by inserting, in the fifth line, between the words "of" and "United States", the word "the".

Verbal error. R. S., § 2508.

[*Par.* 54.] Section twenty five hundred and fourteen is amended by inserting, in the last line, between the words "of" and "Treasury" the word "the".

Same. R. S., § 2514.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

Collection districts and ports; alterations in.
R. S., § 2517.

[*Par.* 55.] Section twenty five hundred and seventeen is amended by striking out, in the seventh paragraph, the word "Ilesborough", and inserting the word "Isleborough"; by striking out, in the tenth paragraph, the word "Brunswick"; by striking out, in the thirteenth paragraph, the words "and Arundel as they were bounded on the tenth of May, eighteen hundred" and inserting therefor the words, "Kennebunk and Kennebunk port"; and by striking out the words "Cape Porpoise", and by inserting therefor the word "Kennebunk port".

Collector at Bangor, Me.
R. S., § 2518.
1881, Feb. 17, ch. 60, § 2.

[*Par.* 56.] Section twenty five hundred and eighteen is amended by inserting in the first line of the sixth subdivision, after the word "collector", the words "who shall reside at Bangor".

Collectors in Maine; how may agree upon boundaries of certain districts.
R. S., § 2519.

[*Par.* 57.] Section twenty five hundred and nineteen is amended by striking out, in the second line, the words "preceding section", and inserting therefor the words "section twenty five hundred and seventeen"; also in the fourth line, by striking out the words "Comptroller of the Treasury", and inserting the words "Commissioner of Customs".

Collection district of Fall River.
R. S., § 2527.

[*Par.* 58.] Section twenty five hundred and twenty seven is amended by striking out, in the seventh line of the eleventh subdivision, the word "Wattupper", and inserting the word "Watuppa".

Appraisers' office in Boston.
R. S., § 2530.

[*Par.* 59.] Section twenty five hundred and thirty is amended by striking out, in the second line the word "appraiser", and inserting therefor the word "appraisers".

In New York district, surveyors for Cold Spring and Port Jefferson.
R. S., § 2536.

[*Par.* 60.] Section twenty five hundred and thirty six is amended by adding to the second subdivision the words "a surveyor at each of the ports of Cold Spring, on the north side of Long Island and Port Jefferson, who shall reside at their respective ports."

Appraisers' office in Philadelphia.
R. S., § 2545.

[*Par.* 61.] Section twenty five hundred and forty-five is amended by striking out in the third line the word "appraiser", and inserting therefor the word "appraisers."

Verbal error corrected.
R. S., § 2555.

[*Par.* 62.] Section twenty five hundred and fifty-five is amended by striking out, in the fourth line of the second subdivision, the word "Newburn", and inserting the word "Newberne", and by striking out in the third line of the fourth subdivision the word "Carlolina", and inserting the word "Carolina".

—same.
R. S., § 2578.

[*Par.* 63.] Section twenty five hundred and seventy eight is amended by striking out, in the second line of the third subdivision, the word "Encinao", and inserting the word "Encinal"

—same.
R. S., § 2579.

[*Par.* 64.] Section twenty-five hundred and seventy-nine is amended by striking out in the second line of the second subdivision, after the word "Matagorda", the word "and", and inserting in the third line, after the word "Lavaca," the [*the*] word "and".

Wilmington, Cal., a port of delivery.
R. S., § 2582.
1874, June 6, ch. 218.

[*Par.* 65.] Section twenty five hundred and eighty two is amended by striking out, in the fourth line of the first subdivision, the word "San Pedro", and inserting therefor the word "Wilmington".

—vessels to or from, need not report at San Francisco.
R. S., § 2585.

[*Par.* 66.] Section twenty five hundred and eighty five is amended by striking out, in the second line the word "either", and in the third line the words "or the port of Wilmington"

Typographical error corrected.
R. S., § 2587.

[*Par.* 67.] Section twenty-five hundred and eighty seven is amended by striking out, in the second line in the fourth subdivision, the letter "h" in the word "Townshend".

Same.
R. S., § 2598.

[*Par.* 68.] Section twenty five hundred and ninety-eight is amended by striking out, in the first line, the last letter "s" in the word districts.

Bonds of collectors, naval officers, and surveyors; form of.
R. S., § 2619.

[*Par.* 69.] Section twenty six hundred and nineteen is amended by striking out, in the fourth line after the word "law," the words "under penalty as follows:" and inserting the following:

"And all bonds to be hereafter given shall be of the form following, to wit:

Know all men by these presents that we ——— are held and firmly bound unto the United States of America in the full and just sum of ——— dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

severally our joint and several heirs executors and administrators, firmly by these presents, sealed with our seals and dated this ——— day of ——— one thousand ——— The condition of the foregoing obligation is such, that whereas the President of the United States hath, pursuant to law, appointed the said ——— to the office of ——— in the State of ———: "Now, therefore, if the said ——— has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge, all the duties of the said office, according to law, then the above obligation to be void and of none effect; otherwise it shall abide and remain in full force and virtue.

"Sealed and delivered in the presence of ———

"And the amount of penalty shall be fixed by the President, as provided in section thirty six hundred and [*and*] thirty nine."

[*Par.* 70.] Section twenty-six hundred and fifty nine is amended by striking out, in the last line, the word "or", and adding at the end the words "and marine hospital dues"

Commission on hospital dues.
R. S., § 2659.
15 Opin. Att'y-Gen., 259.

[*Par.* 71.] Section twenty six hundred and sixty is amended by inserting, in the eighth line, after the words "Fall River" the word "Plymouth," and in the eleventh line, after the words "Perth Amboy," the words "Gloucester" and "Nantucket".

Collectors of Plymouth, Gloucester, and Nantucket.
R. S., § 2660.
15 Opin. Att'y-Gen., 259

[*Par.* 72.] Section twenty six hundred and seventy-five is amended by inserting, in the eighth line after the word "respectively", the words "on account of duties on imports, tonnage, and marine hospital dues"

Compensation to certain collectors.
R. S., § 2675.

[*Par.* 73.] Section twenty six hundred and ninety-one is amended by adding at the end of the section, the following:

"No collector, surveyor, or naval officer shall ever receive more than four hundred dollars annually exclusive of his compensation as collector, surveyor, or naval officer, and the fines and forfeitures allowed by law, for any services he may perform for the United States in any office or capacity, except as provided in sections twenty six hundred and fifty four and twenty six hundred and fifty-seven"

Limit of pay of certain collectors, &c.
R. S., § 2691.
1874, June 22, ch. 391, § 23.

[*Par.* 74.] Section twenty-seven hundred and two is amended by striking out, in the first line, the word "Ellinsberg" and inserting the word "Ellensberg".

Typographical error corrected.
R. S., § 2702.

[*Par.* 75.] Section twenty seven hundred and twenty is amended by inserting in the fifth line, after the word "States", the words

"But each surveyor of this class shall be entitled to a maximum compensation of two thousand dollars a year out of any and all fees and emoluments by him received"; and by inserting, in the ninth line, after the word "surveyor", the words "at the ports designated in section twenty-seven hundred and nineteen"

Limit of pay of surveyors.
R. S., § 2720.

[*Par.* 76.] Section twenty seven hundred and twenty-seven is struck out.

General appraisers abolished.
R. S., § 2727.

[*Par.* 77.] Section twenty seven hundred and forty-two is amended by striking out, in the second line, the words "same class of officers" and inserting therefor the word "gaugers".

Pay of gaugers at Boston.
R. S., § 2742.

[*Par.* 78.] Section twenty-seven hundred and forty-six is amended by striking out, in the second and third lines, the words "and weighers", and inserting in the second line, after the word "appraisers," the words "deputy collectors, deputy surveyors, and".

Additional pay to deputy collectors and surveyors at San Francisco.
R. S., § 2746.

[*Par.* 79.] Section twenty-eight hundred and ten is amended by striking out, in the fourth line, after the word officers, the word "are", and inserting the word "is".

Verbal error corrected.
R. S., § 2810.

[*Par.* 80.] Section twenty eight hundred and nineteen is amended by striking out, in the third line, the words "Saint Marks" and inserting therefor the words "Cedar Keys".

Goods for Bayport may be entered at Cedar Keys and not at Saint Marks.
R. S., § 2819.

[*Par.* 81.] Section twenty eight hundred and twenty is amended by inserting in the third line, after the word "entered" the word "at".

Verbal error.
R. S., § 2820.

[*Par.* 82.] Section twenty eight hundred and twenty-one is amended by striking out, in the second line, the words "Trinity River" and inserting therefor the words "Buffalo Bayou".

Goods for Houston may be entered at Galveston.
R. S., § 2821.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

Goods for Natchez not to be entered at New Orleans.
R. S., § 2822.

[*Par.* 83.] Section twenty eight hundred and twenty-two is amended by striking out, in the sixth line, the words "and Natchez, in Mississippi," and by inserting, in the fifth line, after the word "Missouri", the word "and".

Verbal error corrected.
R. S., § 2826.

[*Par.* 84.] Section twenty eight hundred and twenty six is amended by striking out, at the end of the section the word "importation", and inserting therefor the word "destination".

Same.
R. S., § 2841.

[*Par.* 85.] Section twenty eight hundred and forty-one is amended by inserting in the second sentence of the "oath of consignee, importer or agent," after the words "is (or are,)" the words "the owner (or owners)".

Smuggling or using false, &c., invoices; how punished.
R. S., § 2865.
1874, June 22, ch. 391, §§ 12, 13, 16.

[*Par.* 86.] Section twenty eight hundred and sixty five is amended by substituting therefor the following:

"If any person shall knowingly and willfully, with intent to defraud the revenue of the United States, smuggle, or clandestinely introduce, into the United States, any goods, wares, or merchandise, subject to duty by law, and which should have been invoiced, without paying or accounting for the duty, or shall make out or pass, or attempt to pass, through the custom-house any false, forged, or fraudulent invoice, every such person, his, her, or their aiders and abettors, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fin[*e*]d in any sum not exceeding five thousand dollars, or imprisoned for any term of time not exceeding two years, or both, at the discretion of the court."

Repeal of additional duty, &c.
R. S., § 2909.

[*Par.* 87.] Section twenty nine hundred and nine is struck out.

Verbal error corrected.
R. S., § 2936.

[*Par.* 88.] Section twenty nine hundred and thirty six is amended by inserting in the eighth line, after word "situated," the words "to make".

Exportation for drawback.
R. S., § 2978.

[*Par.* 89.] Section twenty-nine hundred and seventy eight is amended by adding, at the end of the section, the words "except as provided in section three thousand and twenty-five.

Verbal error corrected.
R. S., § 2984.

[*Par.* 90.] Section twenty-nine hundred and eighty-four is amended by striking out, in the second line, the word "industry", and inserting therefor the word "injury".

Reports of goods in warehouses not to be published.
R. S., § 2988.

[*Par.* 91.] Section twenty-nine hundred and eighty-eight is amended by striking out all after the word "same", in the fifth line, and by inserting a period in lieu of the semicolon at the end of the section.

Regulations of warehouse system.
R. S., § 2989.

[*Par.* 92.] Section twenty-nine hundred and eighty-nine is amended by striking out, in the third line, the words "relating to warehouses", and inserting therefor the words "of this chapter".

Remission of additional duty on failure to transport goods in bond from one district to another.
R. S., § 3001.

[*Par.* 93.] Section three thousand and one is amended by adding thereto the following:

"And the Secretary of the Treasury is hereby authorized to remit, in whole or in part, on such conditions, and under such regulations, not inconsistent with law, as he may prescribe, the additional duty secured by the bond given for the transportation of merchandise from a port in one collection district to a port in another collection district prescribed by the preceding section:

Provided, That it shall be proved to the satisfaction of the Secretary of the Treasury that the failure to transport and deliver the merchandise aforesaid according to the conditions of the bonds occurred without wilful negligence or fraudulent intent on the part of the obligors."

Goods at Brownsville for export to Mexico.
R. S., § 3002.

[*Par.* 94.] Section three thousand and two is amended by striking out, in the ninth and eleventh lines, respectively, the words "Point Isabel", and inserting therefor the word "Brownsville".

Verbal error corrected.
R. S., § 3003.

[*Par.* 95.] Section three thousand and three is amended by striking out, in the eighth line, after the words "del Norte," the word "and", and inserting the word "or".

Goods at Brownsville for export to Mexico.
R. S., § 3005.

[*Par.* 96.] Section three thousand and five is amended by striking out, in the fourth line the words "Point Isabel", and inserting the word "Brownsville".

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

[*Par.* 97.] Section three thousand and nine is amended by inserting after the word "coin" in line two the words "or coin certificates". Duties payable in certificates. R. S., § 3009.

[*Par.* 98.] Section three thousand and eleven is amended by striking out all after the word "protest" in the eighth line, and by adding the words "and appeal shall have been taken as prescribed in section twenty-nine hundred and thirty-one. Duties paid not to be recovered back without protest and appeal. R. S., § 3011.

[*Par.* 99.] Section three thousand and eighty-three is amended by striking out, in the third and fourth lines, the word "Solioctor", and inserting the word "Solicitor". Verbal error corrected. R. S., § 3083.

[*Par.* 100.] Section three thousand and ninety is amended by striking out, in the third line, the word "dedcted", and inserting the word "deducted"; and by striking out, in the twenty-fourth line, the word "ncluding", and inserting the word including". Same. R. S., § 3090.

[*Par.* 101.] Section thirty-one hundred is amended by transposing the eighth and ninth lines; and by striking out the amending clause to this section in the act approved February eighteenth, eighteen hundred and seventy-five, entitled "An act to correct errors and to supply omissions in the Revised Statutes of the United States". Inspection of baggage of passengers, &c. R. S., § 3100. 1875, Feb. 18, ch. 80, par. 35.

[*Par.* 102.] Section thirty-one hundred and five is amended by striking out, in the seventh line, after the word "affixing" the word "in". Verbal error corrected. R. S., § 3105.

[*Par.* 103.] Section thirty-one hundred and twenty is amended by adding thereto the following: Regulations of coasting-trade on Lake Michigan. R. S., § 3120.

"And that the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to make such regulations as shall enable vessels engaged in the coasting-trade between ports and places upon Lake Michigan exclusively, and laden with American productions and free merchandise only, to unlade their cargoes without previously obtaining a permit to unlade."

[*Par.* 104.] Section thirty-one hundred and forty is amended by adding at the end of the section the words: In internal-revenue laws "person" includes partnerships, &c. R. S., § 3140. 15 Opin. Att'y-Gen., 230.

"And where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the word 'person,' as used in this title, shall be construed to mean and include a partnership, association, company, or corporation, as well as a natural person."

[*Par.* 105.] Section thirty-one hundred and forty-one is amended by striking out, in the fourteenth line, after the word "State", the word "is", and inserting the word "was". Verbal error corrected. R. S., § 3141.

[*Par.* 106.] Section thirty-one hundred and forty-five is amended by striking out, in the thirty-first line, the word "entiled", and inserting the word "entitled". Same. R. S., § 3145.

[*Par.* 107.] Section thirty-one hundred and sixty-eight is amended by striking out, in the third line, the word "spriits", and inserting the word "spirits". Same. R. S., § 3168.

[*Par.* 108.] Section thirty-one hundred and ninety-seven is amended by striking out, in the twelfth line, the words "to be" before the word "seized". Same. R. S., § 3197.

[*Par.* 109.] Section thirty-two hundred and twenty-six is amended by striking out, in the sixth line, after the words "commissioner of", the word "the". Same. R. S., § 3226.

[*Par.* 110.] Section thirty-two hundred and thirty-nine is amended by striking out, in the sixth line, the word "stamp", and inserting the word "stamps". Same. R. S., § 3239.

[*Par.* 111.] Section thirty-three hundred and ten is amended by striking out, in the twenty-fifth line, the word "unadvoidable", and inserting the word "unavoidable". Same. R. S., § 3310.

[*Par.* 112.] Section thirty-three hundred and eighteen is amended by striking out, in the twenty-ninth line, the word "therin", and inserting the word "therein", and by inserting, in the thirty-fourth line, after the word "shall", the words "on conviction". Same. R. S., § 3318. 16 Blatch., 10.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

Verbal error corrected. R. S., § 3355.

[*Par.* 113.] Section thirty-three hundred and fifty-five is amended by striking out, in the forty-first and forty-second lines, the word "conspicious", and inserting the word "conspicuous".

Same. R. S., § 3362.

[*Par.* 114.] Section thirty-three hundred and sixty-two is amended by striking out, in the fourth line of the fourth paragraph, the word "sweeping", and inserting the word "sweepings".

Same. R. S., § 3422.

[*Par.* 115.] Section thirty-four hundred and twenty-two is amended by striking out, in the ninth line, after the word "document," the word "or", and by inserting, in the tenth line, before the word "order", the word "or".

Same. R. S., § 3429.

[*Par.* 116.] Section thirty-four hundred and twenty-nine is amended by inserting, in the sixteenth and seventeenth lines respectively, after the word "die", a comma.

Spirits in bonded warehouses for exportation, when not to be removed. R. S., § 3433.

[*Par.* 117.] Section thirty-four hundred and thirty-three is amended by inserting, after the word "materials", in line twenty-six, the words "except distilled spirits".

Verbal error corrected. R. S., § 3456.

[*Par.* 118.] Section thirty-four hundred and fifty-six is amended by inserting, in the ninth line, before the word "dealer", the word "liquor".

Duties may be paid in coin certificates, &c. R. S., § 3473.

[*Par.* 119.] Section thirty-four hundred and seventy-three is amended by striking out all after the word "banks" in the eighth line, and inserting, in the second line, before the word "or", the words "coin certificates".

Verbal error corrected. R. S., § 3536.

[*Par.* 120.] Section thirty-five hundred and thirty-six is amended by inserting, in the fourth line, after the word "weighing", the word "a".

Same. R. S., § 3561.

[*Par.* 121.] Section thirty-five hundred and sixty-one is amended by striking out, in the fourth line, the word "applying", and inserting the word "applicable".

Same. R. S., § 3568.

[*Par.* 122.] Section thirty-five hundred and sixty-eight is amended by striking out, in the fourth line, the word "turn", and inserting the word "return".

Proceeds of sale of supplies to officers, &c., of Army not to be covered into Treasury. R. S., § 3618. 15 Opin. Att'y-Gen., 322.

[*Par.* 123.] Section thirty-six hundred and eighteen is amended by inserting, after the word "Army" in the fifth line, the words "or of materials, stores, or supplies sold to officers and soldiers of the Army".

Disbursing officers to pay only by check drawn in favor of creditor. R. S., § 3620. 15 Opin. Att'y-Gen., 288, 303.

[*Par.* 124.] Section thirty-six hundred and twenty is amended by inserting, after the word "law" in the fifth line, the words "and draw for the same only in favor of the persons to whom payment is made".

Verbal error corrected. R. S., § 3622.

[*Par.* 125.] Section thirty-six hundred and twenty-two is amended by striking out, in the nineteenth line, the word "Department", and inserting the word "Departments".

Comm'r of Customs to certify accounts of officers. R. S., § 3625.

[*Par.* 126.] Section thirty-six hundred and twenty-five is amended by inserting, after the word "Treasury" in the fifth line, the words "or the Commissioner of Customs, as the case may be".

Verbal error corrected. R. S., § 3663.

[*Par.* 127.] Section thirty-six hundred and sixty-three is amended by striking out, in the fifth line, the word "plan", and inserting the word "plans".

Statement of sale of old material not to include supplies sold officers, R. S., § 3672.

[*Par.* 128.] Section thirty-six hundred and seventy-two is amended by inserting, in the third line, after the word "kind", the words "except materials, stores, or supplies sold to officers and soldiers of the Army, or to exploring or surveying expeditions authorized by law".

Error of reference corrected. R. S., § 3689, p. 725.

[*Par.* 129.] Section thirty-six hundred and eighty-nine is amended by striking out, in the subdivision headed "Allowances and drawbacks, (internal revenue:)" the words "the act of July one, eighteen hundred and sixty-two, chapter one hundred and nineteen", and inserting therefor the words "section three thousand four hundred and forty-one."

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

[*Par.* 130.] Section thirty-six hundred and ninety-two is amended by inserting, after the word "Army," in the third line, the words "or from the sale of materials, stores, or supplies sold to officers and soldiers of the Army".

Proceeds of sale of stores to Army officers, &c.; how disposed of.
R. S., § 3692.

[*Par.* 131.] Section thirty-seven hundred and fourteen is amended by adding at the end of the section the following:

"And all agents or contractors for supplies or service as aforesaid shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject, nevertheless, to the inspection and revision of the officers of the Treasury in the manner before prescribed."

Contractors for military or naval supplies to render accounts, &c.
R. S., § 3714.

[*Par.* 132.] Section thrity-seven hundred and forty is amended by inserting, in the sixth line, after the words "member of", the words "or delegate to".

Verbal error corrected.
R. S., § 3740.

[*Par.* 133.] Section thirty-seven hundred and forty-one is amended by inserting, in the third line, after the words "member of", the words "or delegate to".

Same.
R. S., § 3741.

[*Par.* 134.] Section thirty-seven hundred and forty-two is amended by inserting, in the fourth line, after the words, "member of", the words "or delegate to".

Same.
R. S., § 3742.

[*Par.* 135.] Section thirty-seven hundred and forty-three is amended by inserting, after the word "States" in the fourth line, the words "the Second Comptroller of the Treasury of the United States, or the Commissioner of Customs, respectively, according to the nature thereof".

Certain contracts to be deposited with Commissioner of Customs.
R. S., § 3743.

[*Par.* 136.] Section thirty-seven hundred and seventy-two is amended by striking out, in the first line, the word "furnising", and inserting the word "furnishing".

Verbal error corrected.
R. S., § 3772.

[*Par.* 137.] Section thirty-eight hundred and two is amended by striking out, in the first line, the word "appropriatian", and inserting the word "appropriation".

Same.
R. S., § 3802.

[*Par.* 138.] Section thirty-nine hundred and fifteen is amended by adding at the end of the section the following:

"The Postmaster-General shall cause to be prepared a special stamp or stamped envelope, to be used only for official-mail-matter, for each of the Executive Departments;

And said stamped envelopes shall be supplied by the proper officer of said Departments to all persons under its direction requiring the same for official use;

And all appropriations for postage made prior to March third, eighteen hundred and seventy-three, shall no longer be available for said purpose; and all stamps and stamped envelopes shall be sold or furnished to said several Departments or clerks only at the price for which stamps and stamped envelopes of like value are sold at the several post-offices."

Special postal stamps or envelopes for Departments to be made.
R. S., § 3915.
1876, July 12, ch. 179, § 14.
1876, Aug. 15, ch. 287, § 9.
1877, March 3, ch. 103.
1881, March 3, ch. 130, § 2.
15 Opin. Att'y-Gen., 362.

[*Par.* 139.] Section forty-two hundred and three is amended by striking out, in the first line, after the word "to", the word "the".

Verbal error corrected.
R. S., § 4203.

[*Par.* 140.] Section forty-two hundred and nineteen is amended by substituting therefor the following:

Tonnage duties; rates of.
R. S., § 4219.

"Upon vessels which shall be entered in the United States from any foreign port or place there shall be paid duties as follows:

On vessels built within the United States but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton; on other vessels not of the United States, at the rate of fifty cents per ton.

Upon every vessel not of the United States, which shall be entered in one district from another district, having on board goods, wares, or merchandise taken in one district to be delivered in another district, duties shall be paid at the rate of fifty cents per ton.

Nothing in this section shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

On all foreign vessels which shall be entered in the United States from any foreign port or place, to and with which vessels of the United States are not ordinarily permitted to enter and trade, there shall be paid a duty at the rate of two dollars per ton; and none of the duties on tonnage above mentioned shall be levied on the vessels of any foreign nation if the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have been abolished.

—additional tax on vessels from foreign ports.

In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place;

—rights under treaties.

And any rights or privileges acquired by any foreign nation under the laws and treaties of the United States relative to the duty of tonnage on vessels shall not be impaired;

—additional tax on vessels when officer is alien.

And any vessel any officer of which shall not be a citizen of the United States shall pay a tax of fifty cents per ton."

Space required on vessels for steerage-passengers on steam vessels; provisions concerning.
R. S., §§ 4252, 4264.

[*Par.* 141.] Section forty-two hundred and sixty-four is amended by adding at the end of the section the following:

"The provisions, requisitions, penalties, and liens enumerated in the several sections of this chapter relating to the space in vessels appropriated to the use of passengers are hereby extended and made applicable to all spaces appropriated to the use of steerage-passengers in vessels propelled in whole or in part by steam, and navigating from, to, and between the ports and in manner as herein named, and to such vessels and to the masters thereof;

And the space appropriated to the use of steerage-passengers in vessels as above propelled and navigated is hereby made subject to the supervision and inspection of the collector of the customs in any port in the United States at which any such vessel shall arrive, or from which she shall be about to depart;

And the same shall be examined and reported in the same manner and by the same officers directed in the preceding section to examine and report."

Verbal error corrected.
R. S., § 4284.

[*Par.* 142.] Section forty-two hundred and eighty-four is amended by striking out, in the seventh line, the word "owner", and inserting the word "owners".

Same.
R. S., § 4290.

[*Par.* 143.] Section forty-two hundred and ninety is amended by striking out, in the second subdivision, the last word "thirty", and inserting therefor the words "ninety-seven".

Same.
R. S., § 4315.

[*Par.* 144.] Section forty-three hundred and fifteen is amended by inserting, in the second line, before the word "vessel", the words "steamboat or".

Same.
R. S., § 4318.

[*Par.* 145.] Section forty-three hundred and eighteen is amended by striking out, in the sixth line, the word "register", and inserting the word "registry".

Same.
R. S., § 4319.

[*Par.* 146.] Section forty-three hundred and nineteen is amended by inserting, in the third line, after the word "following", the word "form"; and by striking out, in the thirty-first line, the word "act", and inserting the word "title".

License of vessels for coasting-trade or fisheries not subject to six cents per ton duty.
R. S., § 4320.

[*Par.* 147.] Section forty-three hundred and twenty is amended by striking out, in the last line, the words "the duty of six cents per ton being first paid".

Verbal error corrected.
R. S., § 4347.

[*Par.* 148.] Section forty-three hundred and forty-seven is amended by striking out, in the first line, the word "imported", and inserting therefor the word "transported".

Same.
R. S., § 4381.

[*Par.* 149.] Section forty-three hundred and eighty-one is amended by inserting, in the second line of the sixth subdivision, after the word

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

"cents", a comma, and in the third line, after the words "less than fifty tons", a semicolon; and by adding at the end of the section the following:

"Where a surveyor certifies a manifest, or grants a permit, or receives a certified manifest and grants a permit, the fees arising therefrom shall be received by him solely for his use;

Fees collected of masters of vessels; how disposed of to surveyors, collectors, and naval officers. R. S., § 4381. 15 Opin. Att'y-Gen., 44.

And all other fees arising by virtue of this section shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided monthly between the said officers;

And where there is no naval officer, two-thirds to the collector and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportional part of such fees as shall arise at the port for which he is appointed;

And in all cases where the tonnage of any ship or vessel shall be ascertained by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor out of the fees aforesaid, before any distribution thereof as aforesaid."

[*Par.* 150.] Section forty-three hundred and ninety is amended by striking out, in the second line, the words "forty-four hundred and fifty-three" and inserting the words "forty-three hundred and eighty-seven". Verbal error corrected. R. S., § 4390.

[*Par.* 151.] Section forty-four hundred and nine is amended by striking out, in the third line, the word "and", and inserting the word "or". Same. R. S., § 4409.

[*Par.* 152.] Section forty-four hundred and fifteen is amended by striking out, in the twentieth line, the word "liable", and inserting the word "able"; by striking out, in the twenty-sixth line, the word "inspectors", and inserting the word "inspector"; and by inserting, in the twenty-fifth line, after the word "hulls" the words "or an inspector of boilers". Same. R. S., § 4415.

[*Par.* 153.] Section forty-four hundred and twenty is amended by striking out, in the first line, after the word "preceding", the word "section", and inserting therefor the word "sections". Same. R. S., § 4420.

[*Par.* 154.] Section forty-four hundred and twenty-one is amended by inserting, in the fifth line, after the word "made", a comma. Same. R. S., § 4421.

[*Par.* 155.] Section forty-four hundred and forty is amended by striking out, in the second line, the word "inspector", and inserting the word "inspecters". Same. R. S., § 4440.

[*Par.* 156.] Section forty-four hundred and forty-one is amended by striking out, in the second line the word "inspector", and inserting the word "inspectors". Same. R. S., § 4441.

[*Par.* 157.] Section forty-four hundred and sixty-seven is amended by striking out, in the fourth line, the word "opened", and inserting the word "open". Same. R. S., § 4467.

[*Par.* 158.] Section forty-four hundred and seventy-two is amended by striking out, in the fifteenth line, the word "practical", and inserting the word "practicable". Same. R. S., § 4472.

[*Par.* 159.] Section forty-four hundred and ninety is amended by striking out, in the second line, the word "carry", and inserting the word "carrying". Same. R. S., § 4490.

[*Par.* 160.] Section forty-five hundred and thirteen is amended by striking out of the first line the words "preceding section", and inserting in lieu thereof the words "section forty-five hundred and eleven". Same. R. S., § 4513.

[*Par.* 161.] Section forty-five hundred and twenty-two is amended by inserting in the last line, after the word "proceed", the word "on". Same. R. S., § 4522.

[*Par.* 162.] Section forty-five hundred and seventy-five is amended by striking out, in the second line of the second subdivision, the words "shipping commissioner or officer acting as such in", and inserting the words "collector of the customs of". Copy of shipping articles to be obtained of collectors. R. S., § 4575.

[*Par.* 163.] Section forty-six hundred and five is amended by striking out, in the fifth line, the word "seamen", and inserting the word "seaman". Verbal error corrected. R. S., § 4605.

[*Par.* 164.] Section forty-six hundred and twenty is struck out. Special counsel in prize cases; repeal of. R. S., § 4620.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

Verbal error corrected. R. S., § 4658.

[*Par.* 165.] Section forty-six hundred and fifty-eight is amended by striking out, in the seventh line, the word "fo", and inserting the word "of".

Same. R. S., § 4768.

[*Par.* 166.] Section forty-seven hundred and sixty-eight is amended by striking out, in the second line, after the word "of", the word "pensions", and inserting the word "pension".

Duplicates of lost checks. R. S., § 4770.

[*Par.* 167.] Section forty-seven hundred and seventy is struck out.

Artificial limbs to be supplied to what officers, &c. R. S., § 4787. 1876, Aug. 15, ch. 300, § 1.

[*Par.* 168.] Section forty-seven hundred and eighty-seven is amended by adding at the end of the section the following:

"The provisions of this section shall apply to all officers, non-commissioned officers, enlisted and hired men of the land and naval forces of the United States, who, in the line of their duty as such, shall have lost limbs or sustained bodily injuries depriving them of the use of any of their limbs, to be determined by the Surgeon-General of the Army;

"And the term of five years herein specified shall be held to commence in each case with the filing of the application for the benefits of this section."

—commutation for. R. S., § 4790.

[*Par.* 169.] Section forty-seven hundred and ninety is amended by inserting, in the second line, after the word "rebellion," the words "or is entitled to the benefits of section forty-seven hundred and eighty-seven".

—transportation to obtain. R. S., § 4791. 1876, ch. 300, § 2.

[*Par.* 170.] Section forty seven hundred and ninety-one is amended by adding at the end of the section the following:

"The transportation allowed for having artificial limbs fitted shall be furnished by the Quartermaster-General of the Army, the cost of which shall be refunded from the appropriations for invalid pensions."

Verbal error corrected. R. S., § 5020.

[*Par.* 171.] Section five thousand and twenty is amended by inserting, in the first line, after the word "from", the word "time".

Same. R. S., § 5174.

[*Par.* 172.] Section fifty-one hundred and seventy-four is amended by striking out, in the second line, the words "but pieces", and inserting the word "bed-pieces".

Same. R. S., § 5211.

[*Par.* 173.] Section fifty-two hundred and eleven is amended by striking out, in the seventh line, the word "associations", and inserting the word "association".

Same. R. S., § 5225.

[*Par.* 174.] Section fifty two hundred and twenty-five is amended by striking-out, in the second line, the word "six", and inserting the word "five".

Penalty for refusing to transmit certain public dispatches by telegraph companies; how recovered. R. S., § 5269.

[*Par.* 175.] Section fifty-two hundred and sixty-nine is amended by adding at the end of the section the following: "to be recovered by an action or actions at law in any district court of the United States."

Verbal error corrected. R. S., § 5291.

[*Par.* 176.] Section fifty-two hundred and ninety-one is amended by striking out, in the third line, the word "enlist", and inserting the words "enlists".

Same. R. S., § 5292.

[*Par.* 177.] Section fifty-two hundred and ninety-two is amended by inserting, in the sixth line, after the word "vessels", the words "and for regulating the same"; and by inserting, in the twenty-third line, before the word "he", the word "as".

Same. R. S., § 5293.

[*Par.* 178.] Section fifty-two hundred and ninety-three is amended by striking out the first subdivision, and transposing the fourth subdivision so as to read as the first subdivision.

Same. R. S., § 5309.

[*Par.* 179.] Section fifty-three hundred and nine is amended by inserting, in the third line, after the word "same", the word "may".

Same. R. S., § 5413.

[*Par.* 180.] Section fifty-four hundred and thirteen is amended by inserting, in the seventh line, after the word "may", the word "be".

Enticing desertions from military or naval service. R. S., § 5455.

[*Par.* 181.] Section fifty-four hundred and fifty-five is amended by inserting, after the word "seaman" in the twelfth, fourteenth, and fifteenth lines, and after the word "sailor", in the seventeenth line, the words "or other person", and by adding to the section the words "to be enforced in any court of the United States having jurisdiction."

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, C. Cls., 80.

[*Par.* 182.] Section fifty-four hundred and seventy is amended by inserting, in the sixteenth line, after the word "thereon", a semicolon. Verbal error corrected. R. S., § 5470.

[*Par.* 183.] Section fifty-four hundred and seventy-nine is amended by striking out, in the eleventh line, the word "to", immediately preceding the word "procure", and inserting the word "or". Same. R. S., § 5479.

[*Par.* 184.] Section fifty-five hundred and seventy-nine is amended by striking out, in the fourth line, the words "the Patent Office", and inserting the word "Patents". Same. R. S., § 5579.

SEC. 2. That the following amendments be, and the same are hereby, made to the Revised Statutes relating to the District of Columbia, namely: Revised Statutes of District of Columbia.

[*Par.* 1.] Section one hundred and ninety-two is amended by inserting, after the word "the" in the second line, the word "Union". Verbal error corrected. R. S., § 192.

[*Par.* 2.] Section one hundred and ninety-five is amended by inserting, after the word "ten" in the seventh line, the words "Revised Statutes of the United States". Same. R. S., § 195.

[*Par.* 3.] Section three hundred and nine is amended by striking out, in the third line, where it occurs the second time, the word "three" and inserting the word "six". Same. R. S., § 309.

[*Par.* 4.] Section three hundred and twelve is amended by striking out, in the fifth line, the word "three" and inserting the word "six". Same. R. S., § 312.

[*Par.* 5.] Section three hundred and twenty-two is amended by inserting, after the words "United States" in the second line, the words "by and with the advice and consent of the Senate". Police commissioners, appointment. R. S., § 322.

[*Par.* 6.] Section four hundred and forty-five is amended by striking out, at the end of the section, the word "two" and inserting the word "three". Verbal error corrected. R. S., § 445.

[*Par.* 7.] Section four hundred and sixty-seven is amended by inserting, after the word "President" in the second line, the words "by and with the advice and consent of the Senate". Recorder of deeds, appointment. R. S., § 467.

[*Par.* 8.] Section four hundred and seventy-six is amended, by inserting after the word "section" in the first line, the words "four hundred and thirty-nine". Verbal error corrected. R. S., § 476.

[*Par.* 9.] Section seven hundred and seventeen is amended by inserting after the words "Revised Statutes" the words "of the United States". Same. R. S., § 717.

[*Par.* 10.] Section seven hundred and fifty-four is amended by adding at the end of the section, the words, "whenever at a general term, held by four justices, the court shall be equally divided, such divisions shall be noted on the minutes; and within four days, either party may file with the clerk a motion to have the cause re-argued before five justices; and such re-argument shall be as soon as conveniently may be." Supreme court of District in general term. R. S., § 754.

[*Par.* 11.] Section seven hundred and sixty-three is amended by striking out said section and inserting in lieu thereof the following as section seven hundred and sixty-three: "Said courts shall have cognizance of all crimes and offenses committed within said district and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs or complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States; and any one of the justices may hold a criminal court for the trial of all crimes and offenses arising within the District." Jurisdiction of supreme court of District. R. S., § 763. 102 U. S., 394.

[*Par.* 12.] Section seven hundred and sixty-four is amended by inserting after the words "Revised Statutes" in the last line, the words "of the United States". Verbal error corrected. R. S., § 764.

[*Par.* 13.] Section seven hundred and sixty-five is amended by inserting, after the words "Revised Statutes," in the third line, the words "of the United States". Same. R. S., § 765.

NOTE.—These amendments are incorporated into the second edition of the Revised Statutes. See Wright's case, 15 C. Cls., 80.

Verbal error corrected. R. S., § 780.

[*Par.* 14.] Section seven hundred and eighty is amended by inserting after the words "Revised Statutes" in the fifth line, the words "of the United States".

Same. R. S., § 811.

[*Par.* 15.] Section eight hundred and eleven is amended by inserting, after the words "indebted to" in the second line, the words "the defendant in".

Same. R. S., § 841.

[*Par.* 16.] Section eight hundred and forty-one is amended by inserting, after the word "section" in the third line, the letter "s" so as to read "sections"; and inserting after the words "one hundred and four" in the third line, the words "one hundred and seven and one hundred and eight"; and adding at the end of the section, the words "and of bribery at elections."

Same. R. S., § 843.

[*Par.* 17.] Section eight hundred and forty-three is amended by inserting, after the words "Revised Statutes" in the eighth line the words "of the United States".

Same. R. S., § 847.

[*Par.* 18.] Section eight hundred and forty-seven is amended by striking out, in the last line, the words "in the following section", and inserting the words "otherwise by law."

Compensation of jurors. R. S., § 873.

[*Par.* 19.] Section eight hundred and seventy-three is amended by inserting, after the words "the circuit" in the second line, the words "and district" and by striking out, in the second line, commencing with the word "District", the remainder of the section, and inserting the words "of the United States, by the act of February twenty-sixth, eighteen hundred and fifty-three."

Verbal error corrected. R. S., § 897.

[*Par.* 20.] Section eight hundred and ninety seven is amended by inserting, after the words "Revised Statutes" in the last line, the words "of the United States".

Same. R. S., § 1193.

[*Par.* 21.] Section eleven hundred and ninety-three is amended by inserting, after the words "Revised Statutes" in the fourth line, the words "of the United States".

Same. R. S., § 1283.

[*Par.* 22.] Section twelve hundred and eighty three is amended by striking out the word "eight" in the fourth line, and inserting the word "nine".

Same. R. S., § 1288.

[*Par.* 23.] Section twelve hundred and eighty-eight is amended by inserting, after the words "Revised Statutes" in the second line, the words "of the United States". [*February* 27, 1877.]

CHAPTER 72.

Feb. 28, 1877.
19 Stat. L., 254.

AN ACT TO RATIFY AN AGREEMENT WITH CERTAIN BANDS OF THE SIOUX NATION OF INDIANS AND ALSO WITH THE NORTHERN ARAPAHO AND CHEYENNE INDIANS.

ARTICLE
Agreement with Sioux and Northern Arapaho and Cheyenne Indians confirmed.
Sioux not to be removed.
Part of agreement not confirmed.
1. Boundaries of reservation, &c.
2. Roads through reservation.
3. Annuities; where received.
4. Delegation to select home in Indian Territory; not confirmed.
5. Assistance, schools, rations, purchase of supplies, employment, &c.
6. Erection of houses.
7. Artisans to be married, &c.
Unfit persons to receive no benefits.
8. Treaty of 1868, &c., continued.
Indians subject to laws of United States.
9. — pledged to this agreement.
10. Annual census.
11. Term "reservation."
Agreement subject to approval.

Be it enacted, &c.

Agreement with Sioux and Northern Arapaho and Cheyenne Indians confirmed.

That a certain agreement made by George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, with the different bands of the Sioux Nation of Indians, and also the Northern Arapaho and Cheyenne Indians, be, and the same is hereby, ratified and confirmed:

Sioux not to be removed.

Provided, That nothing in this act shall be construed to authorize the removal of the Sioux Indians to the Indian Territory and the President of the United States is hereby directed to prohibit the removal of any

portion of the Sioux Indians to the Indian Territory until the same shall be authorized by an act of Congress hereafter enacted,

Except article four, except also the following portion of article six: "And if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house" said article not having been agreed to by the Sioux Nation; said agreement is in words and figures following, namely:

Part of agreement not confirmed.

"ARTICLES OF AGREEMENT

Articles.

made pursuant to the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," approved August 15, 1876, by and between George W. Manypenny, Henry B. Whipple, Jared W. Daniels, Albert G. Boone, Henry C. Bulis, Newton Edmunds, and Augustine S. Gaylord, commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, and also the Northern Arapahoes and Cheyennes, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

Boundaries of reservation. *Treaty* (15 Stat. L., 635).

"ARTICLE 1. The said parties hereby agree that the northern and western boundaries of the reservation defined by article 2 of the treaty between the United States and different tribes of Sioux Indians, concluded April 29, 1868, and proclaimed February 24, 1869, shall be as follows: The western boundaries shall commence at the intersection of the one hundred and third meridian of longitude with the northern boundary of the State of Nebraska; thence north along said meridian to its intersection with the South Fork of the Cheyenne River; thence down said stream to its junction with the North Fork; thence up the North Fork of said Cheyenne River to the said one hundred and third meridian; thence north along said meridian to the South Branch of Cannon Ball River or Cedar Creek; and the northern boundary of their said reservation shall follow the said South Branch to its intersection with the main Cannon Ball River, and thence down the said main Cannon Ball River to the Missouri River;

And the said Indians do hereby relinquish and cede to the United States all the territory lying outside the said reservation, as herein modified and described, including all privileges of hunting;

And article 16 of said treaty is hereby abrogated.

Roads, &c., through reservation.

"ART. 2. The said Indians also agree and consent that wagon and other roads, not exceeding three in number, may be constructed and maintained, from convenient and accessible points on the Missouri River, through said reservation, to the country lying immediately west thereof, upon such routes as shall be designated by the President of the United States; and they also consent and agree to the free navigation of the Missouri River.

Annuities; where received.

"ART. 3. The said Indians also agree that they will hereafter receive all annuities provided by the said treaty of 1868, and all subsistence and supplies which may be provided for them under the present or any future act of Congress, at such points and places on the said reservation, and in the vicinity of the Missouri River, as the President of the United States shall designate.

Delegation to select home in Indian Territory. *Not confirmed.* (See *act above.*)

"ART. 4. [The Government of the United States and the said Indians, being mutually desirous that the latter shall be located in a country where they may eventually become self-supporting and acquire the arts of civilized life, it is therefore agreed that the said Indians shall select a delegation of five or more chiefs and principal men from each band, who shall, without delay, visit the Indian Territory under the guidance and protection of suitable persons, to be appointed for that purpose by the Department of the Interior, with a view to selecting therein a permanent home for the said Indians.

If such delegation shall make a selection which shall be satisfactory to themselves, the people whom they represent, and to the United States, then the said Indians agree that they will remove to the country so selected within one year from this date.

And the said Indians do further agree in all things to submit themselves to such beneficent plans as the Government may provide for them in the selection of a country suitable for a permanent home, where they may live like white men.]

Assistance, schools, rations, purchase of surplus, employment, &c.

"ART. 5. In consideration of the foregoing cession of territory and rights, and upon full compliance with each and every obligation assumed by the said Indians, the United States does agree to provide all necessary aid to assist the said Indians in the work of civilization; to furnish to them schools and instruction in mechanical and agricultural arts, as provided for by the treaty of 1868.

Also to provide the said Indians with subsistence consisting of a ration for each individual of a pound and a half of beef, (or in lieu thereof, one half pound of bacon,) one-half pound of flour, and one-half pound of corn; and for every one hundred rations, four pounds of coffee, eight pounds of sugar, and three pounds of beans, or in lieu of said articles the equivalent thereof, in the discretion of the Commissioner of Indian Affairs.

Such rations, or so much thereof as may be necessary, shall be continued until the Indians are able to support themselves.

Rations shall, in all cases, be issued to the head of each separate family; and whenever schools shall have been provided by the Government for said Indians, no rations

shall be issued for children between the ages of six and fourteen years (the sick and infirm excepted) unless such children shall regularly attend school.

Whenever the said Indians shall be located upon lands which are suitable for cultivation, rations shall be issued only to the persons and families of those persons who labor, (the aged, sick, and infirm excepted;) and as an incentive to industrious habits the Commissioner of Indian Affairs may provide that such persons be furnished in payment for their labor such other necessary articles as are requisite for civilized life.

The Government will aid said Indians as far as possible in finding a market for their surplus productions, and in finding employment, and will purchase such surplus, as far as may be required, for supplying food to those Indians, parties to this agreement, who are unable to sustain themselves; and will also employ Indians, so far as practicable, in the performance of Government work upon their reservation.

Erection of houses.

"ART. 6. Whenever the head of a family shall, in good faith, select an allotment of land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment;

Not confirmed. (See act above.)

[And if said Indians shall remove to said Indian Territory as hereinbefore provided, the Government shall erect for each of the principal chiefs a good and comfortable dwelling-house.]

Artisans to be married, &c.

"ART. 7. To improve the morals and industrious habits of said Indians, it is agreed that the agent, trader, farmer, carpenter, blacksmith, and other artisans employed or permitted to reside within the reservation belonging to the Indians, parties to this agreement, shall be lawfully married and living with their respective families on the reservation;

Unfit persons to receive no benefits.

And no person other than an Indian of full blood, whose fitness, morally or otherwise, is not, in the opinion of the Commissioner of Indian Affairs, conducive to the welfare of said Indians, shall receive any benefit from this agreement or former treaties, and may be expelled from the reservation.

Treaty of 1868 continued (15 Stat. L., 655).

"ART. 8. The provisions of the said treaty of 1868, except as herein modified, shall continue in full force, and, with the provisions of this agreement, shall apply to any country which may hereafter be occupied by the said Indians as a home; and Congress shall, by appropriate legislation, secure to them an orderly government;

Indians subject to laws of United States.

They shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person, and life.

—pledged to this agreement.

"ART. 9. The Indians, parties to this agreement, do hereby solemnly pledge themselves, individually and collectively, to observe each and all of the stipulations herein contained, to select allotments of land as soon as possible after their removal to their permanent home, and to use their best efforts to learn to cultivate the same.

And they do solemnly pledge themselves that they will at all times maintain peace with the citizens and Government of the United States; that they will observe the laws thereof and loyally endeavor to fulfill all the obligations assumed by them under the treaty of 1868 and the present agreement, and to this end will, whenever requested by the President of the United States, select so many suitable men from each band to co-operate with him in maintaining order and peace on the reservation as the President may deem necessary, who shall receive such compensation for their services as Congress may provide.

Annual census.

"ART. 10. In order that the Government may faithfully fulfill the stipulations contained in this agreement, it is mutually agreed that a census of all Indians affected hereby shall be taken in the month of December of each year, and the names of each head of family and adult person registered; said census to be taken in such manner as the Commissioner of Indian Affairs may provide.

Term "reservation."

"ART. 11. It is understood that the term reservation herein contained shall be held to apply to any country which shall be selected under the authority of the United States as the future home of said Indians.

Agreement subject to approval.

"This agreement shall not be binding upon either party until it shall have received the approval of the President and Congress of the United States.

"Dated and signed at Red Cloud agency, Nebraska, September 26, 1876.

[*Signed by the commissioners and a great number of Indians.*] * * * [*February* 28, 1877.]

CHAPTER 73.

Feb. 28, 1877.

19 Stat. L., 264.

AN ACT TO ALLOW A PENSION OF THIRTY-SIX DOLLARS PER MONTH TO SOLDIERS WHO HAVE LOST BOTH AN ARM AND A LEG.

Pensions for loss of one hand and one foot in military or naval service.

Pensions for loss of one hand and one foot in military or naval service.

R. S., §§ 4697, 4698.

1878, June 17, ch. 261.

Be it enacted, &c., That all persons who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided*, That this act shall not be so construed as to reduce pensions in any case. [*February* 28, 1877.]

CHAPTER 74.

AN ACT FOR THE RELIEF OF CERTAIN CLAIMANTS UNDER THE DONATION LAND LAW OF OREGON, APPROVED SEPTEMBER TWENTY-SEVENTH, EIGHTEEN HUNDRED AND FIFTY.

Feb. 28, 1877.
19 Stat. L., 264.

Claims for settlements on lands in Oregon and Washington Territories, included in certain military reservations, made valid and patents to issue.

Be it enacted, &c., That the claims of such persons who were duly qualified thereto, and made bona-fide settlements upon lands in the State of Oregon and Washington Territory, under the provisions of the act of Congress, approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," and the legislation supplemental thereto, which have been included, in whole or in part, within the limits of any reservation made by the United States for military purposes subsequent to the date of such settlement and prior to the completion of the period of residence and cultivation required by said act, which reservation has been, or may hereafter be, declared abandoned by the Secretary of War as no longer necessary to the United States for military or other purposes, shall be adjudicated and patented the same as other donation claims arising under said act and supplemental legislation, as though such reservation had never been made:

Claims for settlements on lands in Oregon and in Washington Territory, included in certain military reservations, made valid and patents to issue.
1850, ch. 76 (9 Stat. L., 496).
R. S., § 2393.

Provided however, That no claim of any settler coming within the purview of this act shall be validated or confirmed the value of whose improvements, at the time such reservation was made by the United States, has been ascertained and paid for by the Secretary of War, as required by the aforesaid act of September twenty-seventh, eighteen hundred and fifty, and the legislation supplemental thereto. [*February* 28, 1877.]

CHAPTER 75.

AN ACT TO PROVIDE FOR THE SALE OF CERTAIN LANDS IN KANSAS.

Feb. 28, 1877.
19 Stat. L., 265.

SECTION
Preamble.
1. Cherokee strip of public land in Kansas to be sold.
2. Proceeds; how disposed of.
3. When act takes effect.

Preamble.
1872, ch. 157 (17 Stat. L., 98).

Whereas, certain lands in the State of Kansas, known as the Cherokee strip, being a strip of land on the southern boundary of Kansas, some two or three miles wide, detached from the lands patented to the Cherokee Nation by the act known as the Kansas-Nebraska bill, in defining the boundaries thereof, said lands still being, so far as unsold, the property of the Cherokee Nation; and

Whereas an act was passed by the Forty-second Congress, which became a law on its acceptance by the Cherokee national authorities, and which fixed the price of the lands east of Arkansas River at two dollars per acre, and west of said river at one dollar and fifty cents per acre; and

Whereas portions of the same have been sold under said law, and portions remain unsold, the price being too high: Therefore,

Be it enacted, &c.

Cherokee strip of public land in Kansas to be sold.

[SECTION 1], That the Secretary shall offer for sale to settlers all of said tract remaining unsold at the passage of this act at the local land offices in the districts in which it is situated, at one dollar and twenty-five cents per acre; and all of said lands remaining unsold after one year from the date at which they are so offered for sale at the local land-offices shall be sold by the Secretary of the Interior for cash, in quantities or tracts not exceeding one hundred and sixty acres, at not less than one dollar per acre.

Proceeds; how disposed of.

SEC. 2. That the proceeds of said lands shall be paid into the Treasury of the United States, and placed to the credit of the Cherokee Na-

tion, and shall be paid to the treasurer of the Cherokee Nation, on the order of the legislative council of the Cherokee Nation.

When act takes effect.

SEC. 3. That this act shall take effect and be in force from the date of its acceptance by the legislature of the Cherokee Nation, who shall file certificate of such acceptance. (1) [*February* 28, 1877.]

NOTE.—(1) The legislature of the Cherokee Nation passed an act December 1, 1877, accepting the conditions and provisions of this act.

CHAPTER 81.

March 1, 1877.

AN ACT RELATING TO INDEMNITY SCHOOL SELECTIONS IN THE STATE OF CALIFORNIA.

19 Stat. L., 267.

SECTION
1. Indemnity school lands confirmed to California.
2. — where selections fail for certain reasons. Innocent purchasers of land certified for school sections protected.
3. Confirmation not to extend to claims of actual settlers.
4. Act not to apply to mineral lands nor lands in San Francisco.

Be it enacted, &c.

Indemnity school lands confirmed to California.
R. S., § 2485.

[SECTION 1], That the title to the lands certified to the State of California, known as indemnity school selections, which lands were selected in lieu of sixteenth and thirty-sixth sections, lying within Mexican grants, of which grants the final survey had not been made at the date of such selection by said State, is hereby confirmed to said State in lieu of the sixteenth and thirty-sixth sections, for which the selections were made.

— where selections fail for certain reasons.

SEC. 2. That where indemnity school selections have been made and certified to said State, and said selection shall fail by reason of the land in lieu of which they were taken not being included within such final survey of a Mexican grant, or are otherwise defective or invalid, the same are hereby confirmed, and the sixteenth or thirty-sixth section in lieu of which the selection was made shall, upon being excluded from such final survey, be disposed of as other public lands of the United States;

Innocent purchasers of land certified for school sections protected.
16 Opin. Att'y-Gen., 69.

Provided, That if there be no such sixteenth or thirty-sixth section, and the land certified therefor shall be held by an innocent purchaser for a valuable consideration, such purchaser shall be allowed to prove such facts before the proper land-office, and shall be allowed to purchase the same at one dollar and twenty-five cents per acre, not to exceed three hundred and twenty acres for any one person:

Provided, That if such person shall neglect or refuse, after knowledge of such facts, to furnish such proof and make payment for such land, it shall be subject to the general land-laws of the United States.

Confirmation not to extend to claims of actual settlers.

SEC. 3. That the foregoing confirmation shall not extend to the lands settled upon by any actual settler claiming the right to enter not exceeding the prescribed legal quantity under the homestead or pre-emption laws:

Provided, That such settlement was made in good faith upon lands not occupied by the settlement or improvement of any other person, and prior to the date of certification of said lands to the State of California by the Department of the Interior:

And provided further, That the claim of such settler shall be presented to the register and receiver of the district land-office, together with the proper proof of his settlement and residence, within twelve months after the passage of this act, under such rules and regulations as may be established by the Commissioner of the General Land Office.

Act not to apply to mineral lands nor lands in San Francisco.

SEC 4. That this act shall not apply to any mineral lands, nor to any lands in the city and county of San Francisco, nor to any incorporated city or town, nor to any tide, swamp, or overflowed lands. [*March* 1, 1877.]

CHAPTER 82.

AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF A NEW EDITION OF THE REVISED STATUTES OF THE UNITED STATES.

March 2, 1877.

19 Stat. L., 268.

SECTION
1. Commissioner to prepare new edition of Revised Statutes.
2. —amendments to be incorporated.
3. —references to be made.
—other matter to be included.
4. When completed and certified, to be legal evidence.
Copies to be printed.
5. Compensation of commissioner.

Be it enacted, &c.

Commissioner to prepare new edition of Revised Statutes.

[SECTION 1], That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one person, learned in the law, as a commissioner, for the purpose of preparing and publishing a new edition of the first volume of the Revised Statutes of the United States.

—to incorporate amendments, &c. 17 Blatch., 363. 15 Ct. Cls., 80, 453.

SEC. 2. That in performing this duty, said commissioner shall be required to incorporate into the text of the Revised Statutes as published in the year anno Domini eighteen hundred and seventy five, under the act of June twentieth, eighteen hundred and seventy-four, all the amendments which have been made in the revision so published since the first day of December, eighteen hundred and seventy-three, and all that shall be made up to the close of the present session of Congress, with marginal references to such amendatory acts, and to all the decisions of the several courts of the United States, (as far as the same may have been published,) which may have been made subsequent to those already cited in the margin of the present revision, and may include also citations to such judicial decisions of the various State courts as he may deem important;

—make marginal references.

And he shall also make marginal references to the various statutes passed by Congress since the first day of December, eighteen hundred and seventy-three, not expressly therein declared to be amendments to the Revised Statutes, but which, in the opinion of said commissioner, may in any manner affect or modify any of the provisions of the said Revised Statutes, or any of the amendments thereto, indicating in such marginal notes by a difference in type the references to statutes of this kind, and he shall revise the indexes and incorporate therein references to the additions herein required.

Other matter to be included.

SEC. 3. That there shall also be included in said edition the Articles of Confederation, the Declaration of our National Independence, the Ordinance of seventeen hundred and eighty seven for the government of the Northwestern Territory, the Constitution of the United States, with foot notes referring to decisions of the Federal courts thereon, the "Act to provide for the revision and consolidation of the statute laws of the United States," approved June twenty-seventh, eighteen hundred and sixty-six, and the "Act providing for publication of the Revised Statutes and the laws of the United States," approved June twentieth, eighteen hundred and seventy-four, as well as the present act.

When completed and certified, to be legal evidence. 1878, March 9, ch. 26. 15 Ct. Cls., 80.

SEC. 4. That said new edition shall be completed in manuscript by said commissioner by the first day of January anno Domini eighteen hundred and seventy-eight, and by him presented to the Secretary of State for his examination and approval, who is hereby required to examine and compare the same as amended, with all the amendatory acts, and, within two months after having been submitted to him, and when the same shall be completed, the said Secretary shall duly certify the same under the seal of the Secretary of State, and when printed and promulgated as herein provided the printed volume shall be legal [*and conclusive*] evidence of the laws [*and treaties*] therein contained, in all the courts of the United States, and of the several States and Territories, [but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy three;] (1)

NOTE.—(1) This section is here printed as amended by the act of 1878, March 9, ch. 26, the words in brackets in italics being stricken out and those in roman inserted thereby.

Copies of Revised Statutes to be printed.
Res. 1878, No. 22, p. 387.

And said Secretary shall cause fifteen thousand copies of the same to be printed and bound at the Government Printing Office, under the supervision of said commissioner, at the expense of the United States, and without unnecessary delay.

Compensation of commissioner.

SEC. 5. That said commissioner shall receive, as full compensation for all services above required to be performed by him, the sum of five thousand dollars. [*March* 2, 1877.]

CHAPTER 83.

March 2, 1877.
19 Stat. L., 269.

AN ACT FOR THE RELIEF OF THE BOARD OF TRUSTEES OF THE ANTIETAM NATIONAL CEMETERY

Antietam cemetery to be under care of Secretary of War.

Be it enacted, &c.

* * * * * * *

Antietam cemetery to be under care of Secretary of War.
R. S., §§ 4870–4892.

It shall be the duty of the Secretary of War to hereafter provide for the preservation and superintendence of the said cemetery as one of the national cemeteries of the United States under the laws now in force in regard to such national cemeteries. * * * [*March* 2, 1877.]

CHAPTER 100.

March 3, 1877.
19 Stat. L., 270.

AN ACT TO REPEAL THE STATUTE FORBIDDING APPOINTMENTS AND PROMOTIONS IN THE STAFF OF THE ARMY.

Repeal of law to suspend promotion, &c., in staff corps of Army.

Repeal of law to suspend promotion, &c., in staff corps of Army.
R. S., § 1194.

Be it enacted, &c., That section eleven hundred and ninety-four of the Revised Statutes, now applying only to grades in the Pay Department of the Army above the rank of major, is hereby repealed. [*March* 3, 1877.]

CHAPTER 101.

March 3, 1877.
19 Stat. L., 291.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY-STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AND FOR OTHER PURPOSES.

Wagon transportation may be performed by Indian labor, and storehouses hired by Commissioner. | Contracts of more than $2,000 to be advertised for.

Be it enacted, &c.

[SECTION 1.] * * * * * *

Wagon transportation may be performed by Indian labor, and storehouses hired by Commissioner.

Whenever practicable wagon transportation may be performed by Indian labor; and whenever it is so performed the Commissioner of Indian Affairs is hereby authorized to hire a storehouse at any railroad whenever necessary, and to employ a storekeeper therefor, and to furnish in advance the Indians who will do the transportation with wagons and harness, all the expenses incurred under this provision, to be paid out of this appropriation:

Contracts of more than $2,000 to be advertised for, &c.
R. S., § 2083.
1875, March 3, ch. 132, § 7.
1876, Aug. 15, ch. 289, § 1, par. 2.

Provided, That hereafter contracts involving an expenditure of more than two thousand dollars shall be advertised and let to the lowest responsible bidder.

* * * * * * *

[*March* 3, 1877.]

CHAPTER 102.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH EIGHTEEN HUNDRED AND SEVENTY EIGHT AND FOR OTHER PURPOSES.

March 3, 1877.

19 Stat. L., 310, 315.

SECTION 1.
Par. 1. Records of regimental, &c., courts-martial; where to be filed, and when may be destroyed.

SECTION 1.
Par. 2. Public lands in States where no land offices; entry where and how made.
Money received for cash entries to be covered into Treasury.

Be it enacted, &c.

* * * * * *

[SECTION 1.]

[*Par.* 1.] That hereafter the records of the regimental, garrison, and field officers and courts-martial shall after having been acted upon, be retained and filed in the Judge Advocate's office at the Headquarters of the Department Commander in whose department the courts were held for two years, at the end of which time they may be destroyed.

Records of regimental, &c.; courts-martial, where to be filed, and when may be destroyed.
R. S., § 1342, art. 113, 2d ed., p. 240.

* * * * * * *

[*Par.* 2.] (1) That public lands situated in States in which there are no land offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record;

Public lands in States where no land-offices; entry where and how made.

And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury. (1)

Money received for cash entries to be covered into Treasury.

* * * * * * *

[*March* 3, 1877.]

NOTE.—(1) This provision is repeated in act of 1878, ch. 329, § 2 (20 Stat. L., 201).

CHAPTER 103.

AN ACT ESTABLISHING POST-ROADS AND FOR OTHER PURPOSES.

March 3, 1877.

19 Stat. L., 335.

SECTION
2. First Assistant Postmaster-General may approve postmasters' bonds.
—may sign contracts for stationery, &c.
3. Second Assistant may sign contracts for mail transportation, &c.
4. Third Assistant may sign contracts for postage-stamps, &c.
5. Letters, packages, &c., on government business may be sent by mail free, &c.

SECTION
Penalty for using official envelopes for private business.
6. Official envelopes to be provided.
7. Members of Congress, Secretary of Senate, and Clerk of House may send by mail public documents free.

Be it enacted, &c.

* * * * * * *

SEC. 2. That from and after the passage of this act the bonds of all postmasters may by the direction of the Postmaster General be approved and accepted, and the approval and acceptance signed by the First Assistant Postmaster General in the name of the Postmaster General;

First Assistant Postmaster-General may approve postmasters' bonds.
R. S., § 3834.

And all contracts for stationery, wrapping-paper, letter-balances, scales, and street letter-boxes, for the use of the postal service may be signed in like manner by the First Assistant Postmaster General in the place and stead of the Postmaster General, and his signature shall be attested by the seal of the Post-Office Department.

—may sign contracts for stationery, &c.
R. S., § 396.

SEC. 3. That the Second Assistant Postmaster General on the order of the Postmaster General may sign with his name, in the place and stead of the Postmaster General, and attest his signature by the seal of the Post-Office Department, all contracts made in the said Department for mail transportation and for supplies of mail-bags, mail-catchers, mail-locks, and keys and all other articles necessary and incidental to mail-transportation

Second Assistant may sign contracts for mail transportation, &c.
R. S., § 389.

Third Assistant may sign contracts for postage stamps, &c.
R. S., §§ 389, 3914.

SEC. 4. That the Third Assistant Postmaster General, when directed by the Postmaster General, may also sign, in his name, in the place and stead of the Postmaster General, and attest his signature by the seal of the Post Office Department, all contracts for supplies of postage-stamps, stamped envelopes, newspaper-wrappers, postal-cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service.

Letters, packages, &c., on government business may be sent by mail free, &c.
R. S., §§ 3896-3913.
1875, March 3, ch. 128, § 3.
1879, March 3, ch. 180, § 29.

SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States:

Provided, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an endorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted.

15 Opin. Att'y-Gen., 262. 16 Opin. Att'y-Gen., 455.

Penalty for using official envelopes for private business.

And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

Official envelopes to be provided.
R. S., § 3915.
1879, March 3, ch. 180, § 29.
15 Opin. Att'y-Gen., 262.
16 Opin. Att'y-Gen., 455.

SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes: and in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

Members of Congress, Secretary of Senate, and Clerk of House may send by mail public documents free.
R. S., §§ 3896-3913.
1874, June 23, ch. 456, § 13.
1875, March 3, ch. 128, § 3.
1877, Dec. 15, ch. 3.
1879, March 3, ch. 180, § 1, par. 4.
16 Opin. Att'y-Gen., 271.

SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send and receive through the mail, all public documents printed by order of Congress: and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds: and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office.

* * * * * * *

[*March* 3, 1877.]

CHAPTER 105.

March 3, 1877.
19 Stat. L., 344.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY EIGHT, AND FOR OTHER PURPOSES.

PARAGRAPH
1. Cost of printing records in Supreme Court and Court of Claims to be paid by parties, &c.
2. District of Columbia to pay half expenses of indigent insane committed to hospital.

PARAGRAPH
3. Architect of Capitol to have direction of ventilation and heating House.

Be it enacted, &c.

* * * * * * *

Cost of printing records in Supreme Court and Court of Claims to be paid by parties, &c.
R. S., §§ 677, 1053.
96 U. S., 594.

[*Par.* 1.] There shall be taxed against the losing party in each and every cause pending in the Supreme Court of the United States or in the Court of Claims of the United States, the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerks of said courts respectively, and paid into the Treasury of the United States; but this shall only apply to records printed after the first of October next.

[*Par.* 2.] One half of the expense of the indigent persons who may be hereafter admitted [*to the government hospital for the insane*] from the District of Columbia shall be paid from the treasury of said District *Provided*, That hereafter such indigent persons shall be admitted only upon order of the executive authority of the said District.

District Columbia to pay half expense of indigent insane committed to hospital.
R. S., §§ 4838–4858.
1879, ch. 182.

* * * * * * *

[*Par.* 3.] Hereafter the subject of ventilation and heating the House of Representatives be placed under the direction of the Architect of the Capitol.

Architect of Capitol to have direction of ventilation and heating House.
R. S., § 1816.
1878, June 19, ch. 329, par. 2.

* * * * * * *

[*March* 3, 1877.]

CHAPTER 106.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND PRIOR YEARS, AND FOR OTHER PURPOSES.

March 3, 1877.
19 Stat. L., 370.

Contracts for rent of buildings in District of Columbia not to be made without previous appropriation, &c.

Be it enacted, &c.

* * * * * * *

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.

Contracts for rent of buildings in District Columbia not to be made without previous appropriation, &c.
R. S., §§ 3679, 3732.
1874, June 22, ch. 388.
1880, June 15, ch. 225, par. 3.
15 Opin. Att'y-Gen., 274.

* * * * * * *

[*March* 3, 1877.]

CHAPTER 107.

AN ACT TO PROVIDE FOR THE SALE OF DESERT LANDS IN CERTAIN STATES AND TERRITORIES—

March 3, 1877.
19 Stat. L., 377.

SECTION
1. Citizens may reclaim and purchase any desert lands.
—right to use water therefor.
Contents of declaration.
Patent; when to issue.
Limit to quantity of land purchasable.
2. Desert lands defined.
3. Act to apply only in certain States, and Commissioner to determine what are desert lands.

Be it enacted, &c.

[SECTION 1], That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter,

Citizens may reclaim and purchase any desert lands.
R. S., §§ 2353–2379.
1875, March 3, ch. 160.

Provided however that the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights.

—right to use water therefor.

Third Assistant may sign contracts for postage stamps, &c.
R. S., §§ 389, 3914.

SEC. 4. That the Third Assistant Postmaster General, when directed by the Postmaster General, may also sign, in his name, in the place and stead of the Postmaster General, and attest his signature by the seal of the Post Office Department, all contracts for supplies of postage-stamps, stamped envelopes, newspaper-wrappers, postal-cards, registered-package envelopes, locks, seals, and official envelopes for the use of postmasters, and return of dead letters, that may be required for the postal service.

Letters, packages, &c., on government business may be sent by mail free, &c.
R. S., §§ 3896-3913.
1875, March 3, ch. 128, § 3.
1879, March 3, ch. 180, § 29.

SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States:

Provided, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an endorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted.

15 Opin. Att'y-Gen., 262. 16 Opin. Att'y-Gen., 455.

Penalty for using official envelopes for private business.

And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

Official envelopes to be provided.
R. S., § 3915.
1879, March 3, ch. 180, § 29.
15 Opin. Att'y-Gen., 262.
16 Opin. Att'y-Gen., 455.

SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes: and in addition to the endorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

Members of Congress, Secretary of Senate, and Clerk of House may send by mail public documents free.
R. S., §§ 3896-3913.
1874, June 23, ch. 456, § 13.
1875, March 3, ch. 128, § 3.
1877, Dec. 15, ch. 3.
1879, March 3, ch. 180, § 1, par. 4.
16 Opin. Att'y-Gen., 271.

SEC. 7. That Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives, may send and receive through the mail, all public documents printed by order of Congress: and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon, with the proper designation of the office he holds: and the provisions of this section shall apply to each of the persons named therein until the first day of December following the expiration of their respective terms of office.

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[*March* 3, 1877.]

CHAPTER 105.

March 3, 1877.
19 Stat. L., 344.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY EIGHT, AND FOR OTHER PURPOSES.

PARAGRAPH
1. Cost of printing records in Supreme Court and Court of Claims to be paid by parties, &c.
2. District of Columbia to pay half expenses of indigent insane committed to hospital.
3. Architect of Capitol to have direction of ventilation and heating House.

Be it enacted, &c.

* * * * * * *

Cost of printing records in Supreme Court and Court of Claims to be paid by parties, &c.
R. S., §§ 677, 1053.
96 U. S., 594.

[*Par.* 1.] There shall be taxed against the losing party in each and every cause pending in the Supreme Court of the United States or in the Court of Claims of the United States, the cost of printing the record in such case, which shall be collected, except when the judgment is against the United States, by the clerks of said courts respectively, and paid into the Treasury of the United States; but this shall only apply to records printed after the first of October next.

[*Par.* 2.] One half of the expense of the indigent persons who may be hereafter admitted [*to the government hospital for the insane*] from the District of Columbia shall be paid from the treasury of said District *Provided*, That hereafter such indigent persons shall be admitted only upon order of the executive authority of the said District.

District Columbia to pay half expense of indigent insane committed to hospital.
R. S., §§ 4838–4858.
1879, ch. 182.

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[*Par.* 3.] Hereafter the subject of ventilation and heating the House of Representatives be placed under the direction of the Architect of the Capitol.

Architect of Capitol to have direction of ventilation and heating House.
R. S., § 1816.
1878, June 19, ch. 329, par. 2.

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[*March* 3, 1877.]

CHAPTER 106.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-SEVEN, AND PRIOR YEARS, AND FOR OTHER PURPOSES.

March 3, 1877.
19 Stat. L., 370.

Contracts for rent of buildings in District of Columbia not to be made without previous appropriation, &c.

Be it enacted, &c.

* * * * * * *

Hereafter no contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and that this clause be regarded as notice to all contractors or lessors of any such building or any part of building.

Contracts for rent of buildings in District Columbia not to be made without previous appropriation, &c.
R. S., §§ 3679, 3732.
1874, June 22, ch. 388.
1880, June 15, ch. 225, par. 3.
15 Opin. Att'y-Gen., 274.

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[*March* 3, 1877.]

CHAPTER 107.

AN ACT TO PROVIDE FOR THE SALE OF DESERT LANDS IN CERTAIN STATES AND TERRITORIES—

March 3, 1877.
19 Stat. L., 377.

SECTION
1. Citizens may reclaim and purchase any desert lands.
— right to use water therefor.
Contents of declaration.
Patent; when to issue.
Limit to quantity of land purchasable.
2. Desert lands defined.
3. Act to apply only in certain States, and Commissioner to determine what are desert lands.

Be it enacted, &c.

Citizens may reclaim and purchase any desert lands.
R. S., §§ 2353–2379.
1875, March 3, ch. 160.

[SECTION 1], That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such" and upon payment of twenty five cents per acre—to file a declaration under oath with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land not exceeding one section, by conducting water upon the same, within the period of three years thereafter,

—right to use water therefor.

Provided however that the right to the use of water by the person so conducting the same, on or to any tract of desert land of six hundred and forty acres shall depend upon bona fide prior appropriation: and such right shall not exceed the amount of water actually appropriated, and necessarily used for the purpose of irrigation and reclamation: and all surplus water over and above such actual appropriation and use, together with the water of all, lakes, rivers and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining and manufacturing purposes subject to existing rights.

Contents of declaration.

Said declaration shall describe particularly said section of land if surveyed, and, if unsurveyed, shall describe the same as nearly as possible without a survey.

Patent; when to issue.

At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him.

Limit to quantity of land purchasable.

Provided, that no person shall be permitted to enter more than one tract of land and not to exceed six hundred and forty acres which shall be in compact form.

Desert lands defined.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands, within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated—

Act to apply only in certain States, &c., and Commissioner to determine what are desert lands.

SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming Arizona, New Mexico and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office. [*March* 3, 1877.]

CHAPTER 108.

March 3, 1877.

19 Stat. L., 377.

AN ACT IN RELATION TO THE HOT SPRINGS RESERVATION IN THE STATE OF ARKANSAS.

SECTION

1. Hot Springs, Ark., receivership abolished.
2. Commissioners to lay out reservation.
3. — manner of laying out.
4. Land including certain springs to be reserved and put in charge of superintendent.
Tax on water taken from springs.
5. Duty of commissioners.
Claims to be filed within six months.
6. Commissioners may compel attendance of witnesses.
7. — may remove obstructions.
8. — may straighten or widen streets.
9. — report of.
— to issue certificates to claimants.
10. Lands may be entered and patented.
Public notice.
11. Occupants may enter and pay for lands.
12. On failure of occupant to purchase, property to be sold.
13. Improvements.
14. Disposition of proceeds of sale.
— of water-rents.
15. Marshal to execute processes.
16. Term of office of commissioners, &c.
17. Hot Springs Railroad Company to have right of way.
— route of.
18. — width of grant to.
— may purchase lands for shops, &c.
Congress may alter this section.
19. Land for public buildings granted to Garland County.

Hot Springs, Ark.; receivership abolished.

1870, ch. 126 (16 Stat. L., 149).
10 Ct. Cls., 289.
92 U. S., 698.

Be it enacted, &c.

[SECTION 1], That so much of section five of an act of June eleventh, eighteen hundred and seventy, in relation to the Hot Springs reservation of Arkansas, as provides for the appointment of a receiver by the court, be, and the same is hereby, repealed:

Provided, That nothing in this section shall be construed to affect the right of the United States to collect and receive rents already due.

Commissioners to lay out reservation.

1878, Dec. 16, ch. 5.
1880, June 16, ch. 246.

SEC. 2. That it shall be the duty of the President of the United States upon the passage of this act, to appoint three discreet, competent, and disinterested persons, who shall constitute a board of commissioners, any two of whom shall constitute a quorum, who are hereby authorized to perform and discharge the duties specified by this act, and for that purpose shall meet at Hot Springs, in the State of Arkansas, within thirty days after their appointment, and shall, before entering upon the discharge of their duties, subscribe to the usual oath for civil officers, and shall, at their first meeting, organize by the election of one of their number as chairman of the board, having given ten days' notice of the time and place of meeting in some daily paper published at Hot Springs, which notice shall be continued during the entire session of said board

of commissioners, and all the evidence herein provided to be taken by said board shall be taken at Hot Springs.

Manner of laying out.

SEC. 3. That it shall be the duty of said commissioners, after examination of the topography of the reservation, to lay out into convenient squares, blocks, lots, avenues, streets, and alleys, the lines of which shall correspond with the existing boundary lines of occupants of said reservation as near as may be consistent with the interests of the United States, the following-described lands, to wit:

The south half of section twenty eight, the south half of section twenty-nine, all of sections thirty-two and thirty three, in township two south and range nineteen west; and the north half of section four, the north half of section five, in township three south and range nineteen west, situate in the county of Garland, and State of Arkansas, and known as the Hot Springs reservation.

Land including certain springs to be reserved and put in charge of a superintendent. 1878, Dec. 16, ch. 5.

SEC. 4. That before making any subdivision of said lands, as described in the preceding section, it shall be the duty of said board of commissioners, under the direction and subject to the approval of the Secretary of the Interior, to designate a tract of land included in one boundary, sufficient in extent to include, and which shall include all the hot or warm springs situate on the lands aforesaid, to embrace, as near as may be, what is known as Hot Springs Mountain, and the same is hereby reserved from sale, and shall remain under the charge of a superintendent, to be appointed by the Secretary of the Interior:

Tax on water taken from springs. 1878, June 20, ch. 359, par. 15. 1878, Dec. 16, ch. 5.

Provided, however, That nothing in this section shall prevent the Secretary of the Interior from fixing a special tax on water taken from said springs, sufficient to pay for the protection and necessary improvement of the same.

Duty of commissioners.

SEC. 5. That it shall be the duty of said commissioners to show by metes and bounds on the map herein provided for, the parcels or tracts of lands claimed by reason of improvements made thereon or occupied by each and every such claimant and occupant on said reservation; to hear any and all proof offered by such claimants and occupants and the United States in respect to said lands and in respect to the improvements thereon; and to finally determine the right of each claimant or occupant to purchase the same, or any portion thereof, at the appraised value, which shall be fixed by said commissioners:

Claims to be filed within six months.

Provided, however, That such claimants and occupants shall file their claims, under the provisions of this act, before said commissioners within six calendar months after the first sitting of the said board of commissioners, or their claims shall be forever barred;

And no claim shall be considered which has accrued since the twenty fourth day of April, eighteen hundred and seventy-six

Commissioners may compel attendance of witnesses.

SEC. 6. That the said commissioners shall have power to compel the attendance of witnesses and the production of papers touching the occupancy or improvements of or on said lands, or any other matter in any wise belonging or appertaining either to the said lands or the improvements thereon; shall have power to examine under oath all witnesses that may come before them, and all testimony shall be reduced to writing, and preserved as hereinafter provided.

—may remove obstructions.

SEC. 7. That said commissioners shall have power to remove, or cause to be removed, all buildings or obstructions upon the said Hot Springs reservation when the same may be necessary to carry out the provisions of this act, as also all obstructions to streets, alleys or roads, to be laid off, straightened or widened as herein provided for.

—may straighten or widen streets, &c.

SEC. 8. That the commissioners shall have power to straighten or widen any of the present streets or alleys in the town of Hot Springs, and to lay off such additional streets, alleys, and roads in said Hot Springs reservation, or in the town, before the sale or disposition of any of the property herein mentioned, as the convenience of the public and the interest of the United States may require, and for that purpose may condemn all buildings that they may find necessary to condemn in order

to straighten or widen said streets and alleys, or to lay off new streets, alleys, and roads, and also all buildings or improvement on the reservation herein made, and to fix the value on all property thus condemned.

Commissioners to make report.

SEC. 9. That it shall be the duty of said commissioners, without delay, to file in the office of the Secretary of the Interior, the map and survey herein provided for, with the boundary-lines of each claim clearly marked thereon, and with each division and subdivision traced and numbered, accompanied by a schedule, showing the name of each claimant, and of each lot or parcel of land, the appraised value thereof, numbers to correspond with such claim upon the map; also all of the evidence taken by them respecting the claimants' possessory right of occupation to any portion of the Hot Springs reservation and their findings in each case; also their appraisal of each tract or parcel of land, and the improvements thereon;

—to issue certificates to claimants.

And it shall be the duty of said commissioners to issue a certificate to each claimant, setting forth the amount of land the holder is entitled to purchase, and the valuation fixed thereon, and also showing the character and the valuation fixed upon the improvements of said tract or parcel of land, and to issue a certificate or certificates to all persons whose improvements are condemned, as herein provided, showing the value of said improvements.

Lands may be entered and patented.

1880, Jan. 14, res. No. 4.

SEC. 10. That it shall be the duty of the Secretary of the Interior, within thirty days (1) after said commissioners file said report and map in his office, to instruct the United States land-officers of Little Rock (Arkansas) land district to allow said lands to be entered as hereinafter provided, and to cause a patent to issue therefor;

Public notice.

And it shall be the duty of the land officers authorized to sell said lands to give twenty days public notice in the Little Rock and Hot Springs newspapers that said lands are subject to entry in accordance with the provisions of this act.

Occupants may enter and pay for lands.

SEC. 11. That any claimant or occupant, his heirs or legal representatives, in whose favor said commissioners have adjudicated, shall, under such rules and regulations as the Secretary of the Interior may prescribe, have the sole right to enter and pay for, at the price fixed by said commissioners, the amount of land the commissioners had adjudged that they were entitled to purchase, at any time within twelve months next after the land-officers give the public notice herein required.

On failure of occupant to purchase property to be sold.

1880, June 16, ch. 246.

SEC. 12. That upon the failure of any claimant or occupant in whose favor the commissioners have adjudged to pay the valuation fixed upon said land within the time and in the manner herein prescribed, then said lands, together with all other lands that no one has an adjudicated right to purchase under this act, shall be sold, by direction of the Secretary of the Interior, to the highest bidder at public sale for not less than the appraised value thereof at the land office at Little Rock, after notice of such sale has been advertised three months in some newspaper in the town of Hot Springs and in such other papers as he may designate, said lands and improvements to be sold together;

And the proceeds arising from the sale thereof shall be paid to the receiver of public moneys at the land-office in Little Rock, Arkansas.

Occupants may remove improvements.

SEC. 13. That any claimant or occupant who does not desire to purchase the lands adjudicated to him or her at the valuation fixed by said commissioners shall have the right to remove any improvements made on said land, at his or her own cost, before the time fixed for the payment for said lands.

Disposition of proceeds of sale.

SEC. 14. That the money arising from the sale of the lands shall be paid into the Treasury in the same manner as other moneys arising from the sale of public lands, and held for the purpose herein specified and at the further disposal of Congress;

—of water-rents.

And the money arising from water-rents shall be under the control of the Secretary of the Interior, and expended by him for the purposes hereinbefore stated, an account of which shall be annually rendered to

NOTE.—(1) This time is extended sixty days from January 14, 1880, by resolution of that date, No. 4.

Congress, showing the amount received, the amount expended, and the amount remaining on hand at the end of each fiscal year.

Marshal to execute processes.

SEC. 15. That the United States marshal for the judicial district of Arkansas, in which the Hot Springs may be situated shall execute all processes required to be executed by this act.

Term of office of commissioners, &c. 15 Opin. Att'y-Gen., 430.

SEC. 16. That said commissioners shall hold their offices for the period of one year from the date of appointment, and shall have power to employ competent engineers to make the maps and surveys herein provided for, at a reasonable compensation; to employ a stenographer, who shall also act as clerk, at a compensation of not more than eight dollars per day, to rent an office and purchase the necessary stationery;

And the compensation of said commissioners shall be ten dollars per day each, all of which shall be paid by the Secretary of the Interior upon the certified vouchers of said commissioners.

Hot Springs Railroad Company to have right of way.

SEC. 17. That the right of way be and the same is hereby, granted to the Hot Springs Railroad Company, a company duly incorporated and organized under the laws of the State of Arkansas, to construct, maintain, and operate its line of railroad upon, over, and across the Hot Springs reservation in the State of Arkansas, as follows:

—route of.

Commencing on the east line of the south half of section thirty three, in township two south of the base line, in range nineteen west of the fifth principal meridian, in the county of Garland, and State of Arkansas, at a point about six hundred feet from the southeast corner of said section; thence running up a ravine parallel to and south of the Benton wagon-road, westwardly through said section, to a point where the same will intersect with the Malvern stage-road at a point south of the grave-yard on said reservation.

—width of grant to.

SEC. 18. The right of way hereby granted shall consist of a strip of land fifty feet wide on each side of said railroad, measured from the centre line thereof, from the point on the east line of said section of land where said railroad enters the same to the terminus of the track of said road:

—may purchase land for shops, &c.

Provided, That said railway company may purchase upon the same terms as individuals land for shops, depots, and other purposes, not exceeding twenty acres:

Congress may alter this section.

Provided, however, That Congress may at any time alter, amend, or repeal this section.

Land for public buildings granted to Garland County.

SEC. 19. That a suitable tract of land, not exceeding five acres shall be laid off by said commissioners, and the same is hereby granted to the county of Garland in the State of Arkansas as a site for the public building of said county:

Proviso.

Provided, That the tract of land hereby granted shall not be taken from the land reserved herein for the use of the United States. [*March 3, 1877.*]

CHAPTER 109.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AND FOR OTHER PURPOSES.

March 3, 1877.
19 Stat. L., 382.

SECTION
1. Board of visitors to Military Academy; how paid.
2. Band; of what to consist.
3. —pay of.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

Board of visitors to Military Academy; how paid. R. S., § 1329.

That the expenses allowed by section thirteen hundred and twenty-nine of the Revised Statutes shall be paid as follows: each member of the board of visitors shall receive not exceeding eight cents per mile for each mile traveled by the most direct route from his residence to West Point

1878, June 11, ch. 181, § 1.

and return, and shall in addition receive five dollars per day for expenses during each day of his service at West Point.

* * * * * * *

Band; of what to consist.
R. S., §§ 1111, 1278.
1875, March 3, ch. 131, § 9.

SEC. 2. That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and may be a civilian, and of twenty-four enlisted musicians of the band.

—pay of.
R. S., § 1111, 1278.
1875, March 3, ch. 131, § 9.

SEC. 3. That the teacher of music shall receive ninety dollars per month, one ration, and the allowance of fuel of a second lieutenant of the Army;

And that of the enlisted musicians of the band six shall each be paid thirty-four dollars per month;

Six shall each be paid twenty dollars per month;

And the remaining twelve shall each be paid seventeen dollars per month;

And that the enlisted musicians of the band shall have the benefits as to pay arising from re-enlistments and length of service applicable to other enlisted men of the Army. [*March* 3, 1877.]

CHAPTER 111.

March 3, 1877.
19 Stat. L., 390.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT AND FOR OTHER PURPOSES.

Cadet-midshipmen's pay while at sea.

Be it enacted, &c.

* * * * * * *

Cadet-midshipmen's pay while at sea.
R. S., § 1556, 2d ed., p. 266.

That cadet-midshipmen, during such period of their course of instruction as they shall be at sea in other than practice ships, shall each receive as annual pay not exceeding nine hundred and fifty dollars.

* * * * * * *

[*March* 3, 1877.]

CHAPTER 113.

March 3, 1877.
19 Stat. L., 392.

AN ACT RESPECTING THE LIMITS OF RESERVATIONS FOR TOWN-SITES UPON THE PUBLIC DOMAIN

SECTION
1. Quantity of land excluded from pre-emption for town-sites.
2. Certain entries in town-sites confirmed. Restricted rights of entry not affected.
3. Where town-site exceeds maximum; proceedings to be had.

SECTION
Copies of acts incorporating towns to be furnished by secretaries of Territories.
4. Towns with less than maximum may make additional entries.

Be it enacted, &c.

Quantity of land excluded from pre-emption for town-site.
R. S., §§ 2380–2394.

[SECTION 1], That the existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from pre-emption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town-site under existing laws, unless the entire tract claimed or incorporated as such town-site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes.

Certain entries in town-sites confirmed.

SEC. 2. That where entries have been heretofore allowed upon lands afterward ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land-Office, to include only vacant unoccupied lands of the United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if

regular in all respects, are hereby confirmed and may be carried into patent:

Provided, That this confirmation shall not operate to restrict the entry of any town-site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section twenty-three hundred and eighty-nine of the Revised Statutes.

Restricted rights of entry not affected. R. S., § 2389.

SEC. 3. That whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section one of this act, the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from pre-emption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and pre-emption laws.

Where town-site exceeds maximum; proceedings to be had.

And upon default of said town authorities to make such selection within sixty days after notification by the Commissioner, he may direct testimony respecting the actual location and extent of said improvements, to be taken by the register and receiver of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section one of this act, and declare the remaining lands open to settlement and entry under the homestead and pre-emption laws;

And it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor-general of the Territory for the use of the United States a copy duly certified of every act of the legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from date of its approval.

Copies of acts incorporating towns to be furnished by secretaries of Territories.

SEC. 4. It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section twenty-three hundred and eighty-nine of the Revised Statutes to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries therefore made will not exceed twenty-five hundred and sixty acres:

Towns with less than maximum may make additional entries. R. S., § 2389.

Provided, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section twenty-three hundred and eighty-nine. [*March* 3, 1877.]

CHAPTER 114.

AN ACT RELATING TO THE PRODUCTION OF FRUIT-BRANDY, AND TO PUNISH FRAUDS CONNECTED WITH THE SAME.

March 3, 1877.

19 Stat. L., 393.

SECTION

1. Bonded warehouses for grape-brandy may be established.
— control and custody of.
— regulation as to.
2. Tax to be paid on monthly return and brandy to be removed to warehouse, &c.
3. Special stamp to be affixed before brandy removed from warehouse.
4. Conditions of deposit in warehouse. Stipulations in the bond.
5. Withdrawal from warehouse for transfer or export.
6. Provisions of law applicable to exportation of grape-brandy.
7. Warehouses may be discontinued.
— transfer of spirits in such case.
8. Tax on grape-brandy removed without compliance with act.
9. Payment of tax not extended beyond three years.
10. Rules and regulations under this act.
11. Penalties for failure to comply with provisions of this act.

Be it enacted, &c.

[SECTION 1], That the Commissioner of Internal Revenue shall be, and hereby is, authorized in his discretion, and upon the execution of such bonds as he may prescribe, to establish warehouses, to be known as special bonded warehouses, not exceeding ten in numbers in any one collection-district, exclusively for the storage of brandy made from grapes, each of which warehouses shall be in the charge of a store-

Bonded warehouses for grape-brandy may be established. R. S., §§ 3255, 3271.

keeper, to be appointed, assigned, transferred, and paid in the same manner that storekeepers for distillery-warehouses are now appointed, assigned, transferred, and paid.

Bonded warehouses; control and custody of.

Every such warehouse shall be under the control of the collector of internal revenue of the district in which such warehouse is located, and shall be in the joint custody of the storekeeper and the proprietor thereof and kept securely locked, and shall at no time be unlocked or opened or remain open except in the presence of such storekeeper or other person who may be designated to act for him, as provided in the case of distillery-warehouses.

—regulations as to.

And such warehouses shall be under such further regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Tax to be paid on monthly return, and brandy to be removed to warehouse, &c. R. S., § 3293.

SEC 2. That every distiller of brandy from grapes, upon rendering his monthly return of materials used and spirits produced by him, shall immediately pay the tax upon such spirits, or may, after they have been properly gauged, marked, and branded, under regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, and also stamped as hereinafter provided, cause them to be removed in bond from the place of manufacture to a special bonded warehouse, under such regulations, and after making such entries, and executing and filing with the collector of the district in which such spirits were manufactured such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the [by the] Secretary of the Treasury.

Special stamp to be affixed before brandy removed from warehouse.

SEC 3. That all brandy intended for deposit in a special bonded warehouse, before being removed from the distillery, shall have affixed to each package an engraved stamp indicative of such intention, to be provided and furnished to the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner; and for the expense attending, providing, and affixing such stamps ten cents for each stamp shall be paid the collector on making the entry for such transportation.

Conditions of deposit in warehouse.

SEC 4. That any brandy made from grapes removed in bond according to law may, upon its arrival at a special bonded warehouse, be deposited therein upon making such entries, filing such bonds and other securities, and under such regulations as shall be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

Stipulations in the bond.

It shall be one of the conditions of the warehousing-bond covering such spirits that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid within three years from the date of the original gauging of the same, and before withdrawal, except as hereinafter provided

Withdrawal from warehouse for transfer or export. R. S., §§ 2971, 3329, 3330. 1874, June 9, ch. 259. 1879, March 1, ch. 125, § 10.

SEC. 5. That any brandy made from grapes may be withdrawn once and no more from one special bonded warehouse for transportation to another special bonded warehouse; and such brandy shall, on its arrival at the second special bonded warehouse, be immediately entered therein, from which warehouse it shall be withdrawn only on payment of the tax or for immediate exportation.

In case the brandy withdrawn is intended for deposit in another special bonded warehouse, an additional stamp, indicative of such intention, shall be affixed to each package withdrawn, as in the case of brandy withdrawn from a distillery intended to be so deposited.

And in case the brandy is intended for exportation, an engraved stamp indicative of such intention, shall be affixed to each package so removed, as in the case of spirits withdrawn from a distillery bonded warehouse for exportation, under the provisions of section thirty-three hundred and thirty, Revised Statutes: all the provisions of which section not inconsistent with this act are hereby made applicable to such withdrawals.

And all withdrawals authorized by law of grape-brandy from any special bonded warehouse shall be upon making such withdrawal entries, and under such regulations, and unless the withdrawal is upon payment of tax, upon the execution of such bonds and bills of lading as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe.

Export bonds given under the provisions of this act shall be canceled upon the production of such certificates of landing as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, or upon proof of loss at sea satisfactory to the Commissioner of Internal Revenue.

And the provisions of existing law relative to an allowance of loss by casual[i]ty in a distillery bonded warehouse are hereby made applicable to brandy stored in special bonded warehouses, in accordance with the provisions of this act.

Provisions of law applicable to exportation of grape-brandy. R. S., § 3330.

SEC. 6. That the provisions of existing law in regard to the exportation of distilled spirits are hereby extended so as to permit the exportation from special bonded warehouses of grape brandy free of tax in any original cask containing not less than twenty gallons, and for the exportation of grape brandy upon which all taxes have been paid, with the privilege of drawback in quantities of not less than one hundred gallons, and in the distillers' original cask, containing not less than twenty nine gallons each.

Warehouses may be discontinued.

SEC. 7 That whenever, in the opinion of the Commissioner of Internal Revenue, any special bonded warehouse is unsafe or unfit for use, or the merchandize therein is liable to loss or great wastage, he may discontinue such warehouse, and require the merchandize therein to be transferred to such other warehouse as he may designate, and within such time as he may prescribe;

—transfer of spirits in such case. R. S., § 3272.

And all the provisions of section thirty two hundred and seventy two of the Revised Statutes of the United States, relating to transfers of spirits from warehouses, including those imposing penalties, are hereby made applicable to transfers from special bonded warehouses.

Tax on grape-brandy removed without compliance with act.

SEC. 8. That the tax upon any brandy distilled from grapes, removed from the place where it was distilled, and in respect of which any requirement of this act is not complied with, shall at any time when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint.

But this provision shall not exclude any other remedy or proceeding provided by law.

Payment of tax not extended beyond three years. R. S., § 3330.

SEC. 9. That nothing in this act shall be construed as extending the time in which the tax on brandy made from grapes shall be paid beyond three years from the day on which the taxable quantity is ascertained by the gauger;

And all brandy made from grapes, found elsewhere than in a distillery or special bonded warehouse, not having been removed therefrom according to law, and all brandy on which the tax has not been paid within three years of the date of the original gauging shall be forfeited to the United States.

Rules and regulations under this act.

SEC 10. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may make all needful rules and regulations for carrying into effect the provisions of this act, and such regulations when made shall have all the force and effect of law.

Penalties for failure to comply with provisions of this act.

SEC. 11. That in case any grape brandy removed from the distillery for deposit in a special warehouse, shall fail to be deposited in such warehouse within ten days thereafter, or within the time specified in any bond given on such removal, or if any grape-brandy deposited in any special warehouse shall be taken therefrom for deposit in another warehouse, or for export, or otherwise, without full compliance with the pro-

visions of this act, and with the requirements of any regulations made thereunder, and with the terms of any bond given on such removal, then any person who shall be guilty of such failure, and any person who shall in any manner violate any provisions of this act, or of the regulations made in pursuance thereof, shall be subject, on conviction to a fine of not less than one hundred dollars nor more than five thousand dollars, and to imprisonment for not less than three months nor more than three years, for every such failure or violation; and the spirits as to which such failure or violation shall take place shall be forfeited to the United States [*March* 3, 1877.]

CHAPTER 116.

March 3, 1877.
19 Stat. L., 395.

AN ACT GRANTING TO THE STATE OF MISSOURI ALL LANDS THEREIN SELECTED AS SWAMP AND OVERFLOWED LANDS.

Swamp and overflowed lands in Missouri given to State.

Swamp and overflowed lands in Missouri granted to State.
R. S., § 2479.

Be it enacted, &c., That all lands in the State of Missouri selected as swamp and overflowed lands, and regularly reported as such to the General Land Office, and now withheld from market as such, so far as the same remain vacant and unappropriated and not interfered with by any preemption, homestead, or other claim under any law of the United States, and the claim whereto has not been heretofore rejected by the Commissioner of the General Land Office, or other competent authority, be, and the same are hereby, confirmed to said State, and all title thereto vested in said State;

And it is hereby made the duty of the Secretary of the Interior to cause patents to issue for the same. [*March* 3, 1877.]

CHAPTER 120.

March 3, 1877.
19 Stat. L., 403.

AN ACT AMENDING THE PENSION-LAW SO AS TO REMOVE THE DISABILITY OF THOSE WHO, HAVING PARTICIPATED IN THE REBELLION, HAVE, SINCE ITS TERMINATION, ENLISTED IN THE ARMY OF THE UNITED STATES, AND BECOME DISABLED.

Pensions allowed to disabled soldiers, &c., in certain cases, although they had engaged in rebellion.

Pensions allowed to disabled soldiers, &c., in certain cases, although they had engaged in rebellion.
R. S., § 4716.
1878, March 9, ch. 28, § 5.

Be it enacted, &c., That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person, who, in any manner, engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in the Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty. [*March* 3, 1877.]

CHAPTER 121.

March 3, 1877.
19 Stat. L., 403.

AN ACT EQUALIZING PENSIONS OF CERTAIN OFFICERS IN THE NAVY.

Pensions to engineers in Navy to be according to relative rank.

Pensions to engineers in Navy to be according to relative rank.
R. S., § 4728.

Be it enacted, &c., That from and after the passage of this act, the pension for total disability of passed assistant engineers, assistant engineers, and cadet engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line in the naval service with whom they have relative rank; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed. [*March* 3, 1877.]

CHAPTER 122.

AN ACT TO AMEND SECTION TWENTY-TWO HUNDRED AND NINETY-ONE OF THE REVISED STATUTES OF THE UNITED STATES, IN RELATION TO PROOF REQUIRED IN HOMESTEAD ENTRIES.(1)

March 3, 1877.
19 Stat. L., 403.

SECTION
1. Proof of residence and occupation, &c., and oaths of persons making entry of homestead lands; before whom may be taken.
SECTION
— to be transmitted to register, &c.
2. Punishment for false swearing, &c.

Be it enacted, &c.

[SECTION 1], That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes, may be made before the judge, or, in his absence, before the clerk, of any court of record of the county and State, or district and Territory, in which the lands are situated;

Proof of residence, occupation, &c., and oaths of persons making entry of homestead lands; before whom may be taken.
R. S., § 2291.
1879, March 3, ch. 192.
1880, June 9, ch. 164.

And if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district;

And the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same.

—to be transmitted to register, &c.

SEC. 2. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. [*March* 3, 1877.]

Punishment for false swearing, &c.

NOTE.—(1) This act is incorporated into the second edition of the Revised Statutes in section 2291.

CHAPTER 123.

AN ACT FOR THE RELIEF OF SETTLERS ON THE PUBLIC LANDS UNDER THE PRE-EMPTION LAWS.

March 3, 1877.
19 Stat. L., 404.

Settlers on public lands changing entries from pre-emption to homestead; when may perfect title.

Be it enacted, &c., That when any person who has made a settlement on the public lands under the pre-emption laws shall change his filing to that for a homestead entry, the time required to perfect his title under the homestead laws shall be computed from the date of his original settlement made under the pre-emption laws. [*March* 3, 1877.]

Settlers on public lands changing entries from pre-emption to homestead; when may perfect title.
R. S., §§ 2259, 2291.
1878, May 25, ch. 140.
1878, June 14, ch. 189.

CHAPTER 127.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS.

March 3, 1877.
19 Stat. L., 405.

SECTION
1. Settlers on public lands injured by grasshoppers may be temporarily absent without prejudice, &c.
2. Time for proof and payment by pre-emptors extended.
SECTION
Act to extend to settlers under provisions to encourage growth of timber.

Be it enacted, &c.

[SECTION 1], That it shall be lawful for homestead and pre-emption settlers on the public lands, or pre-emption settlers on Indian reservations, where crops were destroyed or seriously injured by grasshoppers in the year eighteen hundred and seventy-seven, to leave and be absent

Settlers on public lands injured by grasshoppers in 1877 and 1878 may

be temporarily absent without prejudice, &c.
R. S., §§ 2259, 2289.
1878, June 19, ch. 314.
1879, July 1, ch. 63.

from said lands until the first day of October, eighteen hundred and seventy-eight, under such rules and regulations as to proof of the same as the Commissioner of the General Land-Office shall prescribe;

And where such grasshoppers shall reappear in eighteen hundred and seventy-eight, to the like destruction or injury of crops, the right to leave and be absent as aforesaid shall continue to October first, eighteen hundred and seventy-nine;

And during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

Time for proof and payment by pre-emptors extended.

SEC. 2. That the time for making final proof and payment by pre-emptors whose crops have been destroyed or injured as aforesaid is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act;

Act to extend to settlers under provisions to encourage growth of timber.
R. S., §§ 2317, 2464–2468.
1874, March 13, ch. 55.
1876, May 20, ch. 102.
1878, June 14, ch. 190.

And all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, and the acts amendatory thereof. (1) [*March* 3, 1877.]

NOTE.—(1) The act of 1873, March 3, ch. 277 (17 Stat. L., 606), and the provisions amendatory thereof, to encourage the growth of timber, here referred to, are incorporated into the Revised Statutes in the sections noted in the margin. But new provisions on the subject were made by the act of 1874, March 3, ch. 55, act of 1876, May 20, ch. 102, and still later by the act of 1878, June 14, ch. 190.

CHAPTER 129.

March 3, 1877.

AN ACT TO PROVIDE FOR THE DISPOSITION OF FORT DALLES MILITARY RESERVATION.

19 Stat. L., 406.

SECTION
1. Fort Dalles reservation lands to be sold.
2. Subdivisions into tracts, town lots, &c.
3. Appraisement and sale of improvements.
4. Lands between certain boundaries to be disposed of under provisions of Revised Statutes.

SECTION
Controversies to be decided by Commissioner of General Land-Office.

Be it enacted, &c.

Fort Dalles reservation lands to be sold.
1850, ch. 76 (9 Stat. L., 496).

[SECTION 1], That the Secretary of War be, and hereby is, authorized to transfer to the custody and control of the Secretary of the Interior, for disposition for cash, according to existing laws relating to the public lands, after appraisement, to the highest bidder, and at not less than the appraised value, nor at less than one dollar and twenty-five cents per acre, the United States military reservation known as the Fort Dalles military reservation at Dalles in the State of Oregon, as the same was established by order of Brigadier-General W. S. Harney, in the year eighteen hundred and fifty-nine, excepting any portion of said reservation as may have been granted to any settler under the act of Congress making donations of the public lands in Oregon to settlers, approved September twenty-seventh, eighteen hundred and fifty, or which may have been granted under any other act of Congress previous to the time when such military reservation was established.

Subdivision into tracts, town lots, &c.

SEC. 2 That the Secretary of the Interior, if in his opinion the public interests require it, may cause the said lands in said reservation, or any part thereof, to be subdivided into tracts less than forty acres each, and into town-lots, or either;

And, in such cases, each subdivision or lot shall be appraised and offered separately for sale to the highest bidder, as before provided, after which any tract or lot so offered, and not sold for want of bidders, shall be subject to sale at private entry at the appraised value.

Appraisement and sale of improvements.

SEC. 3. That the Secretary of the Interior shall cause the improvements, buildings, materials, and other property, which may be situate upon said reservation, or upon any such tract or into which the same may be subdivided, to be appraised, and may cause the same to be sold, together with the tract or lot upon which the same may be situate, at

not less than the appraised value of the lands and improvements, or may, in his discretion, cause the said improvements to be sold separately at public sale at not less than the appraised value, to be removed by the purchaser within such time as the Secretary of the Interior may direct;

And if the improvements are offered and not sold for want of bidders, then the Secretary of the Interior is authorized to sell the same at private sale for not less than the appraised value.

Lands between certain boundaries to be disposed of under provisions of R. S., §§ 2380–2394.

SEC. 4. That the land lying between the northern boundary of said military reservation and the northern boundary of the military reservation, as established by order of Major G. I. Rains in the year eighteen hundred and fifty-five, shall be disposed of under and according to the provisions of title thirty-two, chapter eight, of the Revised Statutes of the United States, except any portion of the same to which there may be a valid pre-emption claim;

Controversies to be decided by Commissioner of General Land-Office.

And all controversies arising under this act, in regard to the right or title to any part of said lands, shall be decided by the register and the receiver of the proper land-office, subject to an appeal to the Commissioner of the General Land-Office by any person or party interested therein. [*March* 3, 1877.]

RESOLUTIONS.

NUMBER 6.

JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE AND SET APART A SITE FOR THE COLOSSAL STATUE OF "LIBERTY ENLIGHTENING THE WORLD" AND TO PROVIDE FOR THE PERMANENT MAINTENANCE AND PRESERVATION THEREOF.

March 3, 1877.
19 Stat. L., 410.

Preamble.
Colossal statue of Liberty presented by citizens of France to be accepted.
—inauguration ceremonies.
—regulation for future maintenance.

Preamble.

Whereas, the President has communicated to Congress the information that citizens of the French Republic propose to commemorate the one hundredth anniversary of our independence by erecting at their own cost a colossal bronze statue of "Liberty enlightening the world" upon a pedestal of suitable proportions to be built by private subscription upon one of the islands belonging to the United States in the harbor of New York, and

Whereas it is proper to provide for the care and preservation of this grand monument of art and of the abiding friendship of our ancient ally: Therefore,

Colossal statue of Liberty presented by citizens of France to be accepted.

Be it resolved, &c., That the President of the United States be and he is hereby authorized and directed to accept the colossal statue of "Liberty enlightening the world" when presented by citizens of the French Republic, and to designate and set apart for the erection thereof, a suitable site upon either Governors or Bedloes Island, in the harbor of New York;

—inauguration ceremonies.

And upon the completion thereof shall cause the same to be inaugurated with such ceremonies as will serve to testify the gratitude of our people for this expressive and felicitous memorial of the sympathy of the citizens of our sister Republic;

—regulations for future maintenance.

And he is hereby authorized to cause suitable regulations to be made for its future maintenance as a beacon, and for the permanent care and preservation thereof as a monument of art, and of the continued good will of the great nation, which aided us in our struggle for freedom. [*March* 3, 1877.]

NUMBER 7.

March 3, 1877.
19 Stat. L., 410.

JOINT RESOLUTION TO AMEND THE JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ISSUE ARMS, APPROVED JULY THIRD, EIGHTEEN HUNDRED AND SEVENTY-SIX.

Ammunition to be issued with arms to Territories and border States.

Ammunition to be issued with arms to Territories and border States.
R. S., § 1667.
1878, May 16, ch. 106.
See *Res.* 1876, No. 13, p. 253.
1878, No. 26, p. 389.

Resolved, &c., That the joint resolution approved July third, eighteen hundred and seventy-six, authorizing the Secretary of War to issue arms to the Territories and the States bordering thereon, be, and the same is hereby, amended by inserting, after the words "each of said Territories," the words "and ammunition for the same, not to exceed fifty ball-cartridges for each arm." [*March* 3, 1877.]

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-FIFTH CONGRESS—FIRST AND SECOND SESSIONS

IN

THE YEARS 1877–1878.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and STAT. L. to the Statutes at Large.]

FIRST SESSION—1877.

CHAPTER 6.

AN ACT AUTHORIZING BINDING OF DOCUMENTS FOR MEMBERS OF CONGRESS.

Dec. 10, 1877.
20 Stat. L., 5.

Members of Congress may have public documents bound at Government Printing Office.

Members of Congress may have public documents bound at Government Printing Office.
R. S., §§ 3785, 3786.

Be it enacted, &c., That the Public Printer, be authorized to bind at the Government Printing Office any books, maps, charts, or documents published by authority of Congress, upon application of any member of the Senate or House of Representatives, upon payment of the actual cost of such binding [*December* 10, 1877.]

SECOND SESSION—1877–1878.

CHAPTER 1.

AN ACT TO PROVIDE A METHOD FOR THE SETTLEMENT AND ADJUSTMENT OF THE ACCOUNTS OF THE ATTORNEY OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA.

Dec. 14, 1877.
20 Stat. L., 7.

United States attorney in District of Columbia to render accounts, &c., as required of district attorneys.

United States Attorney in District Columbia to render accounts, &c., as required of district attorneys.
R. S., §§ 368, 833, 834, 844–846, 4647.

Be it enacted, &c., That the emolument returns of the Attorney of the United States for the District of Columbia shall be returned to the Attorney-General, and the accounts of the said Attorney shall be rendered, audited, and paid in the same manner as accounts of all other district attorneys are rendered, audited, and paid. [*December* 14, 1877.]

CHAPTER 3.

Dec. 15, 1877.
20 Stat. L., 10.

AN ACT TO PROVIDE FOR DEFICIENCIES IN THE APPROPRIATIONS FOR THE SERVICE OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AND FOR PRIOR YEARS, AND FOR OTHER PURPOSES.

Public documents may be sent by mail free by Vice-President, Senators, Representatives, &c.

Be it enacted, &c.

* * * * * * * *

Public documents may be sent by mail free by Vice-President, Senators, Representatives, &c.
R. S., §§ 3896-3913.
1874, June 23, ch. 456, § 13.
1875, March 3, ch. 128, § 3.

That the Vice-President, Senators, Representatives, and Delegates in Congress, the Secretary of the Senate, and Clerk of the House of Representatives may send and receive through the mail free all public documents printed by order of Congress, and in the manner provided by section seven of the "act establishing post-roads, and for other purposes," approved March third, eighteen hundred and seventy-seven.

* * * * * * * *

[*December* 15, 1877.]

1877, March 3, ch. 103, § 7. 1879, March 3, ch. 180, § 1, par. 4. 16 Opin. Att'y-Gen., 271.

CHAPTER 4.

Dec. 15, 1877.
20 Stat. L., 13.

AN ACT PROVIDING FOR THE PRINTING AND DISTRIBUTION OF THE BIENNIAL REGISTER.

SECTION
1. Biennial Register; number to be printed, and how distributed.
2. — material for; when to be furnished.

Be it enacted, &c.

Biennial Register; number to be printed, and how distributed.
R. S., § 3800.
1874, Jan. 23, ch. 15.

[SECTION 1], That in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior be, and he is hereby, directed to cause to be printed twenty-five hundred copies of the said work, to be distributed as follows:

To the President of the United States, four copies, one copy of which shall be for the library of the Executive Mansion;

To the Vice-President of the United States, two copies;

To each Senator, Representative, and Delegate in Congress, one copy;

To the Secretary of the Senate, one copy;

To the Clerk of the House, one copy;

To the Library of the Senate, fifty copies, of which one copy shall be supplied to each standing committee of the Senate;

To the Library of the House of Representatives, seventy-five copies, of which one copy shall be supplied to each standing committee of the House;

To the Library of Congress, twenty-five copies;

To the Department of State, two hundred and fifty copies;

To the Treasury Department, one hundred and fifty copies;

To the War Department, fifty copies;

To the Navy Department, twenty copies;

To the Department of Justice, twenty-five copies;

To the Post-Office Department, one hundred copies;

To the Department of the Interior, two hundred and fifty copies;

To the Department of Agriculture, five copies;

To the Smithsonian Institution, four copies;

To the State library and State historical society of each State, and to the executive of each Territory, and to the designated depository of public documents in each congressional district in the United States, one copy each,

And the remaining copies shall be kept by the Secretary of the Interior as a reserve, from which he may supply newly-created offices; and members of Congress one additional copy each.

SEC. 2. That hereafter the lists directed by sections one hundred and ninety-eight and five hundred and ten of the Revised Statutes to be furnished by the several departments and offices of the Government for the Biennial Register shall be made up to the last day of June of each year in which a new Congress is to assemble, and shall be filed as soon thereafter as practicable in the Department of the Interior. [*December* 15, 1877.]

Biennial Register; material for, when to be furnished.
R. S., §§ 198, 510.

CHAPTER 10.

AN ACT TO FURTHER REGULATE THE PURCHASE OF MATERIAL FOR THE PUBLIC PRINTING AND BINDING.

Feb. 1, 1878.
20 Stat. L., 22.

Materials may be purchased by Public Printer without advertising in certain cases.

Be it enacted, &c., That the Joint Committee on the Public Printing be and hereby is authorized to give permission to the Public Printer to purchase material in open market, whenever in their opinion, it would not promote the public interest to advertise for proposals and to make contracts for the same:

Provided, however, That the purchases authorized by this act shall not in any term of six months, exceed the sum of fifty dollars for any particular article required. [*February* 1, 1878.]

Materials may be purchased by Public Printer without advertising in certain cases.
R. S., § 3778.

CHAPTER 12.

AN ACT TO PUNISH EMBEZZLEMENT IN THE DISTRICT OF COLUMBIA, AND TO PROTECT THE RECORDS OF SAID DISTRICT, AND FOR OTHER PURPOSES.

Feb. 4, 1878.
20 Stat. L., 23.

SECTION
1. Embezzlement of property of District of Columbia; how punished.
2. — of property of private citizens, &c.
3. Books, &c., of Washington, Georgetown, and levy court to belong to District.
SECTION
— punishment for stealing, secreting, &c.
4. — penalty for secreting, removing, altering, &c.

Be it enacted, &c.

[SECTION 1], That if any officer, clerk, agent, or employee in the service of the District of Columbia, or in the service of any of the officers thereof, shall embezzle or wrongfully convert to his own use, or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, or shall knowingly and willfully or wrongfully sell or dispose of any money, goods, rights of action, bonds, or obligations of the United States, or any State, or any municipal or other corporation, foreign or domestic, Treasury notes, postage or revenue stamps, warrants, or other valuable security or effects whatever, belonging to said District, or to any person, government, or corporation, which shall come into his possession or under his care by virtue of such office, clerkship, agency or employment, he shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both.

Embezzlement of property of District of Columbia; how punished.

SEC. 2. That if any officer, clerk, agent, or employee in the service of any person, firm, association, or corporation shall, within the District of Columbia, embezzle or wrongfully convert to his own use or fraudulently take, make way with, or secrete, with intent to embezzle or fraudulently convert to his own use, or shall knowingly and willfully or wrongfully sell or dispose of any money, goods, rights of action, bonds, or obligations of the United States, or any State, or any municipal or other corporation, foreign or domestic, Treasury notes, postage or revenue stamps, warrants, or other valuable security or effects whatever, belonging to such person, firm, association, or corporation, which shall come into his possession or under his care by virtue of such office, clerkship, agency

—of property of private citizens, &c.

or employment, he shall on conviction thereof, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding five years, or both.

Books, &c., of Washington, Georgetown, and levy court to belong to District.

SEC. 3. That all records, books, files, maps plats, surveys, drawings, writings and other papers, of the late corporations of Washington Georgetown, or of the levy court of the District of Columbia, or made by persons in the employment or service of either of them, or of the District of Columbia, in the course of such employment or service, or which shall hereafter be so made, are, and shall be the property of the District of Columbia;

—punishment for stealing, secreting, &c.

And whoever shall steal any such record, book, file, map, plat, survey drawing or other paper, or instruments used in surveying or engineering work, such property of said District of Columbia shall upon conviction thereof, be imprisoned not more than three years, or pay a fine not exceeding five thousand dollars or both, without reference to the value of the property or thing so taken.

—penalty for secreting, removing, altering, &c.

SEC. 4. That all persons who shall willfully secrete or remove from the office, room or place where the same are usually kept, any record, book, file, writing, paper map, plat, survey, drawing, field note, or any note in reference to the same, or instruments used in surveying or engineering work, the property of the District of Columbia, or within the care or custody of the Commissioners of the District of Columbia, or of any officer or employé of said District, or shall alter, change, deface, obliterate or destroy the same or who having removed from such office room or place where the same was usually kept any article or thing hereinbefore named, or who having come into possession of any such article or thing, so removed, and who knowing such to be the property of the District of Columbia shall hereafter on demand of the Commissioners of said District, their agent or attorney, refuse or neglect forthwith to return the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned not more than three years, or be fined not exceeding five thousand dollars, or both. [*February* 4, 1878.]

CHAPTER 14.

Feb. 11, 1878.

20 Stat. L., 24.

AN ACT TO CHANGE THE NAME OF THE "CONSULATE AT OMOA AND TRUXILLO."

Name of consulate at Omoa, &c., Honduras, changed to Ruatan and Truxillo.

Name of consulate at Omoa, &c., Honduras, changed to Ruatan and Truxillo. R. S., § 1690, Sch. C, p. 302. 1874, June 11, ch. 275, Sch. C, § 1, p. 35. 1876, Feb. 18, ch. 12.

Be it enacted, &c., That the name of the "Consulate at Omoa and Truxillo" be, and the same is hereby, changed to the "Consulate Ruatan and Truxillo." [*February* 11, 1878.]

CHAPTER 20.

Feb. 28, 1878.

20 Stat. L., 25.

AN ACT TO AUTHORIZE THE COINAGE OF THE STANDARD SILVER DOLLAR, AND TO RESTORE ITS LEGAL-TENDER CHARACTER.

SECTION
1. Silver dollars to be coined and to be legal tender.
Bullion therefor to be purchased.
Seigniorage to be accounted for.
Silver bullion fund limited.
Silver not to be used in payment of gold certificates.
SECTION
2. International conference invited.
Commissioners.
— compensation.
3. Certificates for silver deposited to be issued.
— coin for, to be retained.
— receivable for customs, taxes, and public dues.

Silver dollars to be coined and to be legal tender. R. S., §§ 3009, 3473, 3474, 3513, 3586.

Be it enacted, &c.

[SECTION 1], That there shall be coined, at the several mints of the United States, silver dollars of the weight of four hundred and twelve and a half grains Troy of standard silver, as provided in the act of January eighteenth, eighteen hundred thirty-seven, on which shall be the

devices and superscriptions provided by said act; (1) which coins together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender, at their nominal value, for all debts and dues public and private, except where otherwise expressly stipulated in the contract.

Bullion therefor to be purchased.

And the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, not less than two million dollars worth per month, nor more than four million dollars worth per month, and cause the same to be coined monthly, as fast as so purchased, into such dollars; and a sum sufficient to carry out the foregoing provision of this act is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Seigniorage to be accounted for. R. S., § 3552.

And any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage:

Silver bullion fund limited. R. S., § 3526.

Provided, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed five million dollars:

Silver not to be used in payment of gold certificates. R. S., § 254.

And provided further, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section two hundred and fifty-four of the Revised Statutes.

International conference invited.

SEC. 2. That immediately after the passage of this act, the President shall invite the governments of the countries composing the Latin Union, so-called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing, internationally, the use of bi-metallic money, and securing fixity of relative value between those metals;

Such conference to be held at such place, in Europe or in the United States, at such time within six months, as may be mutually agreed upon by the executives of the governments joining in the same, whenever the governments so invited, or any three of them, shall have signified their willingness to unite in the same.

Commissioners.

The President shall, by and with the advice and consent of the Senate, appoint three commissioners, who shall attend such conference on behalf of the United States, and shall report the doings thereof to the President, who shall transmit the same to Congress.

—compensation.

Said commissioners shall each receive the sum of two thousand five hundred dollars and their reasonable expenses, to be approved by the Secretary of State; and the amount necessary to pay such compensation and expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Certificates for silver deposited to be issued.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States, in sums not less than ten dollars, and receive therefor certificates of not less than ten dollars each, corresponding with the donominations of the United States notes.

—coin for, to be retained.

The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand.

—receivable for customs, taxes, and public dues.

Said certificates shall be receivable for customs, taxes, and all public dues, and, when so received, may be reissued.

R. S., §§ 3009, 3473, 3474. Repeal.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*Became a law February* 28, 1878, *notwithstanding the President's veto.*]

NOTE.—(1) The provisions of the act of 1837, ch. 3 (5 Stat. L., 137), here referred to, are as follows:

Standard of gold and silver coin.

"SEC. 8. That the standard for both gold and silver coins of the United States shall hereafter be such, that of one thousand part by weight, nine hundred shall be of pure metal, and one hundred of alloy; and the alloy of the silver coins shall be copper. * * *"

Weight of silver dollar.

"SEC. 9. That of the silver coins, the dollar shall be of the weight of four hundred and twelve and one-half grains; * * *"

Devices, &c., on coins.

"SEC. 13. That upon the coins struck at the mint there shall be the following devices and legends: Upon one side of each of said coins there shall be an impression emblematic of liberty, with an inscription of the word LIBERTY, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with the inscription United States of America, and a designation of the value of the coin. * * *"

CHAPTER 25.

March 8, 1878.
20 Stat. L., 26.

AN ACT TO AMEND SECTION FOUR THOUSAND SEVEN HUNDRED AND SEVENTY-EIGHT OF THE REVISED STATUTES

In case of vacancy in office of pension agent during session of Senate, President may designate officer to perform duties temporarily, &c.

In case of vacancy in office of pension agent during session of Senate President may designate officer to perform duties temporarily, &c.
R. S., §§ 1769, 4778.

Be it enacted, &c., That whenever during a session of the Senate a vacancy shall occur in the office of Pension Agent, by reason of resignation, death, removal or expiration of the term of office, or where any such agent lawfully appointed shall have failed to qualify and assume the duties of such office, the President may when the public exigency requires it, designate any officer of the United States to perform the duties of such office, but such designation shall not be for a longer time than twenty days,

And such officer so designated shall give bonds if required by the President for the faithful discharge of the said duties, and the Secretary of the Interior shall allow in the settlement of the accounts of such officer, the necessary expenses incurred by him in the discharge of his duties under this act.

The foregoing provisions shall apply to any vacancy now existing. [*March* 8, 1878.]

CHAPTER 26.

March 9, 1878.
20 Stat. L., 27.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE PREPARATION AND PUBLICATION OF A NEW EDITION OF THE REVISED STATUTES OF THE UNITED STATES", APPROVED MARCH SECOND, EIGHTEEN HUNDRED AND SEVENTY-SEVEN.

Revised Statutes; second edition to be evidence, but not to control acts passed since December 1, 1873.

Revised Statutes; second edition to be evidence, but not to control acts passed since Dec. 1, 1873.
R. S., §§ 5595, 5601.
1874, June 20, ch. 333.
1877, March 2, ch. 82.

Be it enacted, &c., That an act entitled "An act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States", approved March second, eighteen hundred and seventy-seven, be, and the same is hereby, amended as follows, to wit:

By striking out from the ninth and tenth lines of section four as published in the nineteenth volume of the Statutes at Large, the words "and conclusive"; and, in the tenth line, the words "and treaties"; and, by inserting after the word "Territories" at the end of the eleventh line, the following words, to wit: "but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any original act as passed by Congress since the first day of December, eighteen hundred and seventy-three." [*March* 9, 1878.]

CHAPTER 27.

March 9, 1878.
20 Stat. L., 27.

AN ACT CHANGING THE TIMES OF HOLDING TERMS OF THE DISTRICT COURT FOR THE DISTRICT OF WEST VIRGINIA.

District court of West Virginia; when to be held.

District court of West Virginia; when to be held.
R. S., § 572, 2d ed., p. 101.

Be it enacted, &c., That hereafter the district court of the United States for the district of West Virginia shall be held at the times and places following; but when any of said dates shall fall on Sunday the term shall commence the following Monday, to wit:

At the city of Wheeling, on the first day of March and the first day of September;

At Clarksburg, on the first day of April and the first day of October;

At Charleston, on the first day of May and the first day of November.

And all pending process, rules, and proceedings shall be conducted in the same manner and with the same effect as to time as if this act had not passed. [*March* 9, 1878.]

CHAPTER 28.

AN ACT AMENDING THE LAWS GRANTING PENSIONS TO THE SOLDIERS AND SAILORS OF THE WAR OF EIGHTEEN HUNDRED AND TWELVE, AND THEIR WIDOWS, AND FOR OTHER PURPOSES.

March 9, 1878.
20 Stat. L., 27.

SECTION
1. War of 1812; soldiers and sailors of, to be placed on pension-rolls.
2. Persons excluded.
Rate and term of pension.
Widows.
3. Proof, and penalty for false oath.
Rolls may be corrected, &c.
Certificate of discharge and record evidence not necessary.
Grant of land-warrant prima facie evidence.
4. What applications to be considered under this act.
5. Restoration of certain pensioners who were stricken from rolls on account of rebellion.
—without pay during suspension.
6. Pension given to widows and orphans of those who were so stricken off and died before restoration.
7. Repeal.

Be it enacted, &c.

War of 1812; soldiers and sailors of, to be placed on pension-rolls.
R. S., § 4732–4738.
16 Opin. Att'y-Gen., 134.

[SECTION 1], That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers, of the military and naval service of the United States, who served for fourteen days in the war with Great Britain of eighteen hundred and twelve, or who were in any engagement, and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men.

Persons excluded.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

Rate and term of pension.

Pensions under this act shall be at the rate of eight dollars per month, except as herein provided, and shall be paid to the persons entitled thereto, from and after the passage of this act, for and during their natural lives:

Widows.

Provided, That the pensions to widows provided for in this act shall cease when they shall marry again.

Proof, and penalty for false oath.

SEC. 3. That before the name of any person shall be placed upon the pension-rolls under this act, proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act;

And any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury;

Rolls may be corrected, &c.

And the Secretary of the Interior shall cause to be stricken from the rolls the name of any person, when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations, or by mistake as to the right of such person to a pension under this act.

Certificate of discharge and record evidence not necessary.

The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony:

Grant of land-warrant *prima facie* evidence.

Provided, That when any person has been granted a land-warrant under any act of Congress for and on account of service in the said war of eighteen hundred and twelve, such grant shall be prima-facie evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

What applications to be considered under this act.
R. S., §§ 4692–4791.

SEC. 4. That all applications for pensions of the classes provided for in this act heretofore or which may hereafter be made shall be considered and decided as though made under this act;

And all laws now in force in regard to the manner of paying pensions,

and in reference to the punishment of frauds, shall be applicable to all claims under the provisions of this act.

Restoration of certain pensioners who were stricken from rolls on account of the rebellion.
1862, ch. 18 (12 Stat. L., 337).
1867, Res. No. 46 (14 Stat. L., 571).
R. S., §§ 3480, 4716.
1877, March 3, ch. 120.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service in the war of eighteen hundred and twelve against Great Britain, or for service in any of the Indian wars, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two;

And that the joint resolution (1) entitled "Joint resolution prohibiting payment by any officer of the government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March second, eighteen hundred and sixty-seven, and section four thousand seven hundred and sixteen of the Revised Statutes of the United States, shall not apply to the persons provided for by this act:

—without pay during suspension.

Provided, That no money shall be paid to any one on account of pensions for the time during which his name remained stricken from the rolls.

Pension given to widows and orphans of those who were so stricken off and died before restoration.
1862, ch. 18 (12 Stat. L., 337).
R. S., §§ 3480, 4716.

SEC. 6. That the surviving widow of any pensioner of the war of eighteen hundred and twelve where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two, and where, under the existing provisions of law, said pensioner died without his name being restored to the rolls, shall be entitled to make claim for a pension as such widow after the passage of this act:

Provided, That no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner, as provided in section five:

And provided further, That under this act any widow of a Revolutionary soldier who served fourteen days or was in any engagement shall be placed upon the pension-rolls of the United States, and receive a pension at the rate of eight dollars per month.

Repeal.

SEC. 7. That all laws and clauses of laws in conflict with this act be, and they are hereby, repealed. [*March* 9, 1878.]

NOTE.—(1) The joint resolution here referred to of 1867, No. 46 (14 Stat. L., 571), is incorporated into Revised Statutes in § 3480.

CHAPTER 32.

March 13, 1878.
20 Stat. L., 29.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A BRIDGE ACROSS THE MISSOURI RIVER AT OR NEAR GLASGOW, MISSOURI.

SECTION
1. Railroad and wagon bridge may be built over Missouri River at Glasgow, Mo.
2. Post-route; rate payable by United States.
3. How to be constructed.
—as a draw-bridge.
Opening of draw; signals.
Obstruction of navigation prohibited, &c.
SECTION
Laws for protection of navigation of river not modified.
4. All railroad companies to have equal use of bridge.
5. Regulations by Secretary of War.
6. Act may be altered, &c.

Be it enacted, &c.

Railroad and wagon bridge may be built over Missouri River at Glasgow, Mo.
R. S., §§ 5244–5255.

[SECTION 1], That any corporation existing, or which may be organized, under the laws of the State of Missouri, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Missouri River, at or near Glasgow, in the county of Howard, in said State.

Said bridge shall be constructed to provide for the passage of rail-

way-trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers.

Post-route; rate payable by United States.

SEC. 2. That any bridge built under this act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge;

And it shall enjoy the rights and privileges of other post-roads in the United States.

How to be constructed.

SEC. 3. That if said bridge shall be made with unbroken and continuous spans, the spans thereof shall not be less than three hundred feet in length in the clear, and the main span shall be over the main channel of the river.

The lowest part of the superstructure of said bridge shall be at least fifty feet above extreme high water mark as understood at the point of location, and the bridge shall be at right angles to, and its piers parallel with, the current of the river:

—as a draw-bridge.

Provided, That if the same shall be constructed as a draw-bridge, the draw or pivot shall be over the main channel of the river at an accessible navigable point, and the spans shall not be less than one hundred and sixty feet in length in the clear, and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river, and the spans shall not be less than ten feet above extreme high-water mark, as understood at the point of location, to the lowest part of the superstructure of said bridge:

Opening of draw; signals.

Provided also, That said draw shall be opened promptly, upon reasonable signal, for the passing of boats; and said company or corporation shall maintain at its own expense, from sunset till sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Obstruction of navigation prohibited, &c.

No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge. And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Missouri, in which any portion of said obstruction or bridge may be located:

Laws for protection of navigation of rivers not modified.

Provided further, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

All railroad companies to have equal use of bridge.

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway-trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use;

And in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

Regulations by Secretary of War.

SEC. 5. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall pre-

scribe; and, to secure that object, the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject;

And until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

Act may be altered, &c.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved. [*March* 13, 1878.]

CHAPTER 34.

March 15, 1878.
20 Stat. L., 30.

AN ACT FURTHER TO SUSPEND THE OPERATIONS OF SECTION FIVE THOUSAND FIVE HUNDRED AND SEVENTY-FOUR OF THE REVISED STATUTES OF THE UNITED STATES, TITLE SEVENTY-TWO, IN RELATION TO GUANO ISLANDS.

Restriction upon taking guano from islands suspended until March 15, 1883.

Restrictions upon taking guano from islands suspended until March 15, 1883.
R. S., § 5574.

Be it enacted, &c., That section five thousand five hundred and seventy-four, title seventy-two, of the Revised Statutes of the United States, be, and the same is hereby, further suspended, as therein set forth, for the period of five years next from and after the passage of this act. [*March* 15, 1878.]

CHAPTER 37.

March 16, 1878.
20 Stat. L., 30.

AN ACT TO MAKE PERSONS CHARGED WITH CRIMES AND OFFENCES COMPETENT WITNESSES IN THE UNITED STATES AND TERRITORIAL COURTS.

Defendants in criminal cases may be witnesses, &c.

Defendants in criminal cases may be witnesses, &c.
R. S., §§ 858, 1342, 1624.

Be it enacted, &c., That in the trial of all indictments, informations, complaints, and other proceedings against persons charged with the commission of crimes, offences, and misdemeanors, in the United States courts, Territorial courts, and courts-martial, and courts of inquiry, in any State or Territory, including the District of Columbia, the person so charged shall, at his own request but not otherwise, be a competent witness.

And his failure to make such request shall not create any presumption against him. [*March* 16, 1878.]

CHAPTER 51.

April 8, 1878.
20 Stat. L., 35.

AN ACT TO AMEND SECTION FIVE HUNDRED AND FORTY, CHAPTER ONE, TITLE THIRTEEN, REVISED STATUTES OF THE UNITED STATES.

Judicial districts in Missouri; eastern and western.

Judicial districts in Missouri; substitute for
R. S., § 540.

Be it enacted, &c., That section five hundred and forty, of chapter one and title thirteen of the Revised Statutes, be amended to read as follows:

"SEC. 540. The State of Missouri is divided into two districts, which shall be called the eastern and the western district of Missouri.

—eastern.

The eastern district includes the counties of Schuyler, Adair, Knox, Shelby, Monroe, Pike, Montgomery, Gasconade, Franklin, Washington, Reynolds, Shannon, and Oregon, as they existed January first, eighteen hundred and fifty-seven, with all the counties east of them.

—western.
1879, Jan. 21, ch. 20.

The western district includes the residue of said State. [*April* 8, 1878.]

CHAPTER 58.

AN ACT TO AUTHORIZE THE SECRETARY OF WAR TO PRESCRIBE RULES AND REGULATIONS TO BE OBSERVED IN THE PREPARATION, SUBMISSION, AND OPENING OF BIDS FOR CONTRACTS UNDER THE WAR DEPARTMENT.

April 10, 1878.
20 Stat. L., 36.

Secretary of War may make rules respecting bids for contracts, require bonds of bidders, &c.

Be it enacted, &c., That the Secretary of War is hereby authorized to prescribe rules and regulations to be observed in the preparation and submission and opening of bids for contracts under the War Department;

Secretary of War may make rules respecting bids for contracts, require bonds of bidders, &c.
R. S., §§ 3709, 3714, 3716, 3717.

And he may require any bid to be accompanied by a bond in such penal sum as he may deem advisable, with good and sufficient security, conditioned that the bidder will enter into a contract agreeably to the terms of his bid, if the same be awarded to him within sixty days from the date of the opening of the bids, or otherwise pay the penalty.

No bid shall be withdrawn by the bidder within the said period of sixty days. [*April* 10, 1878.]

CHAPTER 60.

AN ACT TO PREVENT DEPREDATIONS UPON PROPERTY IN THE DISTRICT OF COLUMBIA.

April 17, 1878.
20 Stat. L., 36.

Depredation on fixtures in houses in District of Columbia; how punished.

Be it enacted, &c., That every person who, in the District of Columbia, shall willfully and without color of right, enter into any occupied or unoccupied dwelling-house or other building, the property of another, and shall cut, break, or tear from its place any gas-pipe, water-pipe, door-bell, or other fixture therein;

Depredation on fixtures in houses in District of Columbia; how punished.

Or who shall, in such dwelling-house or other building, willfully and without color of right cut, break, or tear down any wall, or part of a wall, or door, with intent to cut, break, or tear from its place any pipe or fixture therein,

Shall, for the first offense, be fined not more than two hundred dollars, and be imprisoned in the District jail not less than two months or more than one year, and for any subsequent offense shall be imprisoned in the penitentiary for not less than one year or more than three years. [*April* 17, 1878.]

CHAPTER 66.

AN ACT TO PREVENT THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISEASES INTO THE UNITED STATES.

April 29, 1878.
20 Stat. L., 37.

SECTION
1. Vessels from infected ports, or with infected passengers, &c., entering United States, subject to State quarantine laws and certain regulations.
2. Consuls to report vessels leaving infected ports.
Surgeon-general of marine hospital service to execute act.
3. Marine-hospital and customs officers to enforce quarantine laws.
4. Surgeon-general of marine hospitals to notify collectors and to transmit weekly abstracts of sanitary reports to certain officers.
5. Officers of State quarantine system may act as officers of national system; when, &c.
Duties to be performed by officers of marine hospital service.
State laws, &c., not to be interfered with.
6. Repeal.

Be it enacted, &c.

[SECTION 1], That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any

Vessels from infected ports or with infected passengers, &c., entering United States subject to State quarantine

laws and certain regulations.
R. S., §§ 4792–4796.
1879, June 2, ch. 11.

one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

Consuls to report vessels leaving infected ports.
1879, June 2, ch. 11, § 9.

SEC. 2. That whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port, or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States at or nearest such foreign port shall immediately give information thereof to the Supervising Surgeon-General of the Marine Hospital Service, and shall report to him the name, the date of departure, and the port of destination of such vessel;

And shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively stationed;

Surgeon-general of marine hospital service to execute act.
1879, June 2, ch. 11, § 9.

And the said Surgeon-General of the Marine-Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations, shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing or which may hereafter be enacted.

Marine hospital and customs officers to enforce quarantine laws.

SEC. 3. That it shall be the duty of the medical-officers of the Marine-Hospital Service and of customs-officers to aid in the enforcement of the national quarantine rules and regulations established under the preceding section; but no additional compensation shall be allowed said officers by reason of such services as they may be required to perform under this act, except actual and necessary traveling expenses.

Surgeon-general of marine hospitals to notify collectors and to transmit weekly abstracts of sanitary reports to certain officers.

SEC. 4. That the Surgeon-General of the Marine-Hospital Service shall, upon receipt of information of the departure of any vessel, goods, or passengers from infected places to any port in the United States, immediately notify the proper State or municipal and United States officer or officers at the threatened port of destination of the vessel, and shall prepare and transmit to the medical officer of the Marine Hospital Service, to collectors of customs, and to the State and municipal health authorities in the United States, weekly abstracts of the consular sanitary reports and other pertinent information received by him.

Officers of State quarantine system may act as officers of national system, when, &c.

SEC. 5. That wherever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States.

Duties to be performed by officers of marine hospital service.
R. S., §§ 4801–4813.

At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine-Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act:

State laws not to be interfered with.
R. S., § 4792.

Provided, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

Repeal.

SEC. 6. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed. [*April* 29, 1878.]

CHAPTER 68.

AN ACT TO PREVENT THE SALE OF POLICY OR LOTTERY TICKETS IN THE DISTRICT OF COLUMBIA.

April 29, 1878.
20 Stat. L., 39.

SECTION
1. Policy-lottery or policy-shop in District of Columbia, and sale of tickets, &c., prohibited.
2. Permitting house to be used for policy-lottery prohibited.

Be it enacted, &c.

Policy-lottery or policy-shop in District of Columbia, and sale of tickets, &c., prohibited.

[SECTION 1], That if any person shall, within the District of Columbia, keep, set up, or promote, or be concerned as owner, agent, clerk, or in any other manner, in managing any policy-lottery or policy-shop, or shall sell or transfer any ticket, certificate, bill, token, or other device purporting or intended to guarantee or assure to any person, or entitle him to a chance of drawing or obtaining a prize, or share of, or interest in, any prize to be drawn in any lottery, or in the game or device commonly known as policy-lottery or policy; or shall, for himself or another person, sell or transfer, or have in his possession, for the purpose of sale or transfer, or shall aid in selling, exchanging, negotiating, or transferring a chance or ticket in, or share of a ticket in, any policy-lottery, or any such bill, certificate, token, or other device, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall forfeit and pay a fine of not more than five hundred dollars, or be imprisoned in the District jail not less than two months or more than one year or both in the discretion of the court.

Permitting house to be used for policy-lottery prohibited.

SEC. 2. That if any person shall knowingly permit in any house under his control, in the District of Columbia, the sale of any chance or ticket in, or share of a ticket in, any lottery or policy-lottery, or shall knowingly permit any lottery or policy-lottery or policy-shop in such house, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars or more than five hundred dollars, or be imprisoned in the District jail not less than two months or more than one year, or both, in the discretion of the court. [*April* 29, 1878.]

CHAPTER 69.

AN ACT PROVIDING FOR THE RECORDING OF DEEDS, MORTGAGES, AND OTHER CONVEYANCES AFFECTING REAL ESTATE IN THE DISTRICT OF COLUMBIA.

April 29, 1878.
20 Stat. L., 39.

SECTION
1. Deeds, &c., in District of Columbia to take effect on delivery to recorder as against purchasers, &c., without notice.
Recorder to note on deeds, &c., day and hour of delivery.
2. Deeds already recorded not affected.

Be it enacted, &c.

Deeds, &c., in District Columbia to take effect on delivery to recorder, as against purchasers, &c., without notice; repealing and substitute for R. S., vol. 2 Dist. Col., §§ 446, 447.

[SECTION 1], That sections four hundred and forty-six and four hundred and forty seven of the Revised Statutes relating to the District of Columbia, passed at the first session of the Forty-third Congress, eighteen hundred and seventy-three and eighteen hundred and seventy-four, be, and the same hereby are, repealed, and there is enacted in lieu thereof the following:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds, shall take effect and be valid, as to creditors and as to subsequent purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage, conveyance, covenant, agreement, or instrument in writing shall, after having been acknowledged, proved, or certified, as the case may be, be delivered to the recorder of deeds for record, and from that time only;

Recorder to note on deeds, &c., day and hour of delivery.

And the recorder of deeds shall note on each deed or other instrument of writing required by law to be recorded, the day and hour of delivery of the same to him to be recorded.

Deeds already recorded not affected.

SEC. 2. That this act shall not be so construed as to affect any deed or other instrument of writing heretofore recorded. [*April* 29, 1878.]

CHAPTER 74.

April 30, 1878.
20 Stat. L., 40.

AN ACT AUTHORIZING THE ISSUE OF PASSPORTS FREE TO COLORED CITIZENS GOING TO BRAZIL.

Passports for colored citizens going to Brazil for certain purposes to be issued free of charge.

Passports for colored citizens going to Brazil for certain purposes to be issued free of charge.
R. S., § 4075.
1874, June 20, ch. 328, par. 7.

Be it enacted, &c., That the Secretary of State be, and he is hereby directed to issue passports, free of charges and fees therefor, to any colored citizens of the United States who may wish to go to Brazil to engage in work upon the Madera and Mamore Railway, and to that extent the provisions of section four thousand and seventy-five of the Revised Statutes are suspended. [*April* 30, 1878.]

CHAPTER 76.

April 30, 1878.
20 Stat. L., 46.

AN ACT AUTHORIZING THE SECRETARY OF THE TREASURY TO EMPLOY TEMPORARY CLERKS, AND MAKING AN APPROPRIATION FOR THE SAME; ALSO MAKING APPROPRIATIONS FOR DETECTING TRESPASS ON PUBLIC LANDS, AND FOR BRINGING INTO MARKET PUBLIC LANDS IN CERTAIN STATES, AND FOR OTHER PURPOSES.

SECTION 2.
Par. 1. Collections for depredations on lands to be covered into Treasury.

SECTION 2.
Par. 2. Timber cut on public lands exported from Territories liable to seizure.

Be it enacted, &c.

* * * * * * *

SEC. 2. * * *

Collections for depredations on lands to be covered into Treasury.
R. S., §§ 2461, 4751. 1878, June 3, ch. 150, § 1. 1878, June 3, ch. 151, §§ 4, 5.

[*Par.* 1.] *Provided*, That all moneys heretofore, and that shall hereafter be, collected for depredations upon the public lands shall be covered into the Treasury of the United States as other moneys received from the sale of public lands: * * *

Timber cut on public lands exported from Territories liable to seizure.

[*Par.* 2.] *And provided, further*, That if any timber cut on the public lands shall be exported from the Territories of the United States, it shall be liable to seizure by United States authority wherever found.

* * * * * * *

[*April* 30, 1878.]

CHAPTER 77.

April 30, 1878.
20 Stat. L., 524.

AN ACT FOR THE ALLOWANCE OF CERTAIN CLAIMS REPORTED BY THE ACCOUNTING OFFICERS OF THE TREASURY DEPARTMENT.

Certain claims not to be allowed where more is fraudulently claimed than is justly due.

Be it enacted, &c.

* * * * * * *

Certain claims not to be allowed where more is fraudulently claimed than is justly due.
R. S., §§ 300 A, 300 B.
1874, June 16, ch. 285, § 2.
1875, Feb. 18, ch. 80, pars. 7, 8. 15 Ct. Cls., 453.

SEC. 2. No claim shall hereafter be allowed by the accounting-officers, under the provisions of the act of congress, approved June sixteenth, eighteen hundred and seventy-four, or by the Court of Claims, or by Congress, to any person, where such claimant, or those under whom he claims, shall willfully, knowingly, and with intent to defraud the United States, have claimed more than was justly due in respect of such claim, or presented any false evidence to Congress, or to any department or court, in support thereof. [*April* 30, 1878.]

CHAPTER 78.

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE OATH OF OFFICE TO COLLECTORS AND OTHER OFFICERS OF THE CUSTOMS IN THE DISTRICT OF ALASKA.

May 2, 1878.
20 Stat. L., 47.

Alaska; oaths of customs officers in; before whom may be taken.

Be it enacted, &c., That until the formal organization of the Territory of Alaska, the oath of office required by law to be taken by a collector or other officer of the customs in Alaska may be taken before the judge of any circuit or district court of the United States. [*May* 2, 1878.]

Alaska; oath of customs officers in; before whom may be taken.
R. S., §§ 2591, 2592, 2617, 2618.

CHAPTER 79.

AN ACT TO PROHIBIT THE COINAGE OF THE TWENTY CENT PIECE OF SILVER.

May 2, 1878.
20 Stat. L., 47.

Coinage of twenty-cent pieces prohibited.

Be it enacted, &c., That from, and after the passage of this act, the coinage of the twenty cent piece of silver, by the Government of the United States be, and the same is hereby prohibited. And all laws in conflict with this act are hereby repealed. [*May* 2, 1878.]

Coinage of twenty-cent piece prohibited.
R. S., § 3513.
1875, ch. 143.

CHAPTER 88.

AN ACT TO EXTEND THE PROVISIONS OF SECTION THIRTY-TWO HUNDRED AND NINETY-SEVEN OF THE REVISED STATUTES TO OTHER INSTITUTIONS OF LEARNING.

May 3, 1878.
20 Stat. L., 48.

Alcohol in bond may be withdrawn for scientific purposes, without payment of tax, by certain institutions, though not incorporated.

Bond; how signed.

Be it enacted, &c., That the Secretary of the Treasury, be and is hereby authorized to grant permits, as provided for in section thirty-two hundred and ninety-seven of the Revised Statutes of the United States passed at the first session of the Forty-third Congress, to any scientific university, or college of learning created and constituted such by any State or Territory under its laws, though not incorporated or chartered, upon the same terms and subject to the same restrictions and penalties, already provided by said section thirty-two hundred and ninety-seven:

Provided further, That the bond required thereby may be executed by any officer of such university or college, or by any other person for it, and on its behalf, with two good and sufficient sureties, upon like conditions, and to be approved as by said section is provided. [*May* 3, 1878.]

Alcohol in bond may be withdrawn for scientific purposes without payment of tax by certain institutions, though not incorporated.
R. S., § 3297.

Bond; how signed.

CHAPTER 91.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

May 4, 1878.
20 Stat. L., 50, 51.

SECTION 1.
Par. 1. Secretaries or clerks to Admiral, Vice-Admiral, and commanders of vessels, &c., not to be appointed from civil life; how detailed from Navy.

SECTION 1.
Par. 2. Charts furnished persons not in government service to be paid for at cost.

Be it enacted, &c.]SECTION 1.]

* * * * * * *

[*Par.* 1.] That on and after the first day of July, eighteen hundred and seventy-eight, there shall be no appointments made from civil life of secretaries or clerks to the Admiral, or Vice-Admiral, when on sea service, commanders of squadrons, or of clerks to commanders of vessels;

Secretaries or clerks to Admiral, Vice-Admiral, and commanders of vessels, &c., not to

be appointed from civil life; how detailed from Navy. R. S., § 1556, 2d ed., p. 267.

And an officer not above the grade of lieutenant shall be detailed to perform the duties of secretary to the Admiral or Vice-Admiral, when on sea service, and one not above the grade of master to perform the duties of clerk to a rear-admiral or commander, and one not above the grade of ensign to perform the duties of clerk to a captain, commander, or lieutenant-commander when afloat:

Provided, That the secretaries and clerks in service on the first day of July, eighteen hundred and seventy-eight, on vessels abroad, shall continue as such until such vessel shall return to the United States on the termination of its cruise.

* * * * * * *

Charts furnished persons not in government service to be paid for at cost. R. S., §§ 226, 432. 1879, ch. 68.

[*Par.* 2.] That all charts hereafter furnished to mariners or others not in the government service shall be paid for at the cost price of paper and printing paid by the government.

* * * * * * *

[*May* 4, 1878.]

CHAPTER 96.

May 7, 1878.

20 Stat. L., 56.

AN ACT TO ALTER AND AMEND THE ACT ENTITLED "AN ACT TO AID IN THE CONSTRUCTION OF A RAILROAD AND TELEGRAPH LINE FROM THE MISSOURI RIVER TO THE PACIFIC OCEAN, AND TO SECURE TO THE GOVERNMENT THE USE OF THE SAME FOR POSTAL, MILITARY, AND OTHER PURPOSES", APPROVED JULY FIRST, EIGHTEEN HUNDRED AND SIXTY-TWO, AND ALSO TO ALTER AND AMEND THE ACT OF CONGRESS APPROVED JULY SECOND, EIGHTEEN HUNDRED AND SIXTY-FOUR, IN AMENDMENT OF SAID FIRST-NAMED ACT.

SECTION

Pacific Railways.
Preamble.
1. Net earnings; how to be ascertained.
2. Compensation due from United States to be retained; how applied.
3. Sinking-fund.
4. Credits to, and payments into, fund.
5. Secretary of Treasury to remit into sinking-fund percentage on net earnings.
6. No dividend to be voted, &c., in case of default.
Liability of officers to repay dividends illegally made.
Penalty on officers, &c., for voting, &c., to pay illegal dividends.
7. Application of sinking-fund.
8. Priorities in application of sinking-fund.
9. Liabilities to United States constitutes a lien on property of companies.
Companies not prevented from disposal of property in ordinary manner.
10. Enforcement of rights of United States.
11. Forfeiture of franchises on failure to comply with this act.
12. This and former acts subject to alteration, repeal, &c.
Existing remedies not affected.
13. This act deemed as amending former acts.

Pacific Railways. Preamble. 1862, ch. 120 (12 Stat. L., 489). 1864, ch. 216 (13 Stat. L., 356). R. S., §§ 5256–5262.

Whereas, on the first day of July, anno Domini eighteen hundred and sixty-two, Congress passed an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes"; and

Whereas afterward, on the second day of July, anno Domini eighteen hundred and sixty-four, Congress passed an act in amendment of said first-mentioned act; and

Whereas the Union Pacific Railroad Company, named in said acts, and under the authority thereof, undertook to construct a railway, after the passage thereof, over some part of the line mentioned in said acts; and

Whereas, under the authority of the said two acts, the Central Pacific Railroad Company of California, a corporation existing under the laws of the State of California, undertook to construct a railway, after the passage of said acts, over some part of the line mentioned in said acts; and

Whereas the United States, upon demand of said Central Pacific Railroad Company, have heretofore issued, by way of loan and as provided in said acts, to and for the benefit of said company, in aid of the purposes named in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half yearly, to the amount of twenty-five million eight hundred and eighty-five thousand one hundred and twenty dollars, which said bonds have been sold in the market or otherwise disposed of by said company; and

Pacific Railways. Preamble.

Whereas the said Central Pacific Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas, after the passage of said acts, the Western Pacific Railroad Company, a corporation then existing under the laws of California, did, under the authority of Congress, become the assignee of the rights, duties and obligations of the said Central Pacific Railroad Company, as provided in the act of Congress passed on the third of March, anno Domini eighteen hundred and sixty-five, and did, under the authority of the said act and of the acts aforesaid, construct a railroad from the city of San Jose to the city of Sacramento, in California, and did demand and receive from the United States the sum of one million nine hundred and seventy thousand five hundred and sixty dollars of the bonds of the United States, of the description before mentioned as issued to the Central Pacific Company, and in the same manner and under the provisions of said acts; and upon and in respect of the bonds so issued to both said companies, the United States have paid interest to the sum of more than thirteen and a half million dollars, which has not been reimbursed; and

1865, ch. 88 (13 Stat. L., 504).

Whereas said Western Pacific Railroad Company has issued and disposed of an amount of its own bonds equal to the amount so issued by the United States to it, and secured the same by mortgage, which are, if lawfully issued and disposed of, a prior and paramount lien to that of the United States, as stated and secured thereby; and

Whereas said Western Pacific Railroad Company has since become merged in, and consolidated with, said Central Pacific Railroad Company, under the name of the Central Pacific Railroad Company, whereby the said Central Pacific Railroad Company has become liable to all the burdens, duties, and obligations before resting upon said Western Pacific Railroad Company; and divers other railroad companies have been merged in and consolidated with said Central Pacific Railroad Company; and

Whereas the United States, upon the demand of the said Union Pacific Railroad Company, have heretofore issued by way of loan to it and as provided in said acts, the bonds of the United States, payable in thirty years from the date thereof, with interest at six per centum per annum, payable half-yearly, the principal sums of which amount to twenty-seven million two hundred and thirty-six thousand five hundred and twelve dollars; on which the United States have paid over ten million dollars interest over and above all reimbursements; which said bonds have been sold in the market or otherwise disposed of by said corporation; and

Whereas said corporation has issued and disposed of an amount of its own bonds equal to the amounts so issued to it by the United States as aforesaid, and secured the same by mortgage, and which are, if lawfully issued and disposed of, a prior and paramount lien, in the respect mentioned in said acts, to that of the United States, as stated, and secured thereby; and

Whereas the total liabilities (exclusive of interest to accrue) to all creditors, including the United States, of the said Central Pacific Company, amount in the aggregate to more than ninety-six million dollars, and those of the said Union Pacific Railroad Company to more than eighty-eight million dollars; and

Whereas the United States, in view of the indebtedness and operations of said several railroad companies respectively, and of the disposition of their respective incomes, are not and cannot, without further legislation, be secure in their interests in and concerning said respective railroads and corporations, either as mentioned in said acts or otherwise; and

Whereas a due regard to the rights of said several companies respectively, as mentioned in said act of eighteen hundred and sixty-two, as well as just security to the United States in the premises, and in respect of all the matters set forth in said act, require that the said act of eighteen hundred and sixty-two be altered and amended as hereinafter enacted; and

Whereas, by reason of the premises also, as well as for other causes of

public good and justice, the powers provided and reserved in said act of eighteen hundred and sixty-four for the amendment and alteration thereof ought also to be exercised as hereinafter enacted: Therefore,

Be it enacted, &c.

Pacific railways; net earnings, how to be ascertained. 1862, ch. 120 (12 Stat. L., 489). 1864, ch. 216 (13 Stat. L., 356).

[SECTION 1], That the net earnings mentioned in said act of eighteen hundred and sixty-two, of said railroad companies respectively, shall be ascertained by deducting from the gross amount of their earnings respectively the necessary expenses actually paid within the year in operating the same and keeping the same in a state of repair, and also the sum paid by them respectively within the year in discharge of interest on their first mortgage bonds, whose lien has priority over the lien of the United States, and excluding from consideration all sums owing or paid by said companies respectively for interest upon any other portion of their indebtedness;

And the foregoing provision shall be deemed and taken as an amendment of said act of eighteen hundred and sixty-four, as well as of said act of eighteen hundred and sixty-two.

When section takes effect.

This section shall take effect on the thirtieth day of June next, and be applicable to all computations of net earnings thereafter; but it shall not affect any right of the United States or of either of said railroad companies existing prior thereto.

Compensation due from United States to be retained; how applied. 16 Opin. Att'y-Gen., 516. 1879, March 3, ch. 183, par. 5.

SEC. 2. That the whole amount of compensation which may, from time to time, be due to said several railroad companies respectively for services rendered for the Government shall be retained by the United States, one-half thereof to be presently applied to the liquidation of the interest paid and to be paid by the United States upon the bonds so issued by it as aforesaid, to each of said corporations severally, and the other half thereof to be turned into the sinking-fund hereinafter provided for the uses therein mentioned.

Sinking-fund.

SEC. 3. That there shall be established in the Treasury of the United States a sinking-fund, which shall be invested by the Secretary of the Treasury in bonds of the United States; and the semi-annual income thereof shall be in like manner from time to time invested, and the same shall accumulate and be disposed of as hereinafter mentioned. And in making such investments the Secretary shall prefer the five per centum bonds of the United States, unless, for good reasons appearing to him, and which he shall report to Congress, he shall at any time deem it advisable to invest in other bonds of the United States.

All the bonds belonging to said fund shall, as fast as they shall be obtained, be so stamped as to show that they belong to said fund, and that they are not good in the hands of other holders than the Secretary of the Treasury until they shall have been indorsed by him, and publicly disposed of pursuant to this act.

Credits to, and payments into, sinking-fund.

SEC. 4. That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Central Pacific Railroad Company, not applied in liquidation of interest;

And, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of one million two hundred thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad-company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

That there shall be carried to the credit of the said fund, on the first day of February in each year, the one-half of the compensation for services hereinbefore named, rendered for the Government by said Union Pacific Railroad Company, not applied in liquidation of interest;

And, in addition thereto, the said company shall, on said day in each year, pay into the Treasury, to the credit of said sinking-fund, the sum of eight hundred and fifty thousand dollars, or so much thereof as shall be necessary to make the five per centum of the net earnings of its said road payable to the United States under said act of eighteen hundred and sixty-two, and the whole sum earned by it as compensation for services rendered for the United States, together with the sum by this section required to be paid, amount in the aggregate to twenty-five per centum of the whole net earnings of said railroad company, ascertained and defined as hereinbefore provided, for the year ending on the thirty-first day of December next preceding.

Secretary of Treasury to remit into sinking-fund percentage on net earnings.

SEC. 5. That whenever it shall be made satisfactorily to appear to the Secretary of the Treasury, by either of said companies, that seventy-five per centum of its net earnings as hereinbefore defined, for any current year are or were insufficient to pay the interest for such year upon the obligations of such company, in respect of which obligations there may exist a lien paramount to that of the United States, and that such interest has been paid out of such net earnings, said Secretary is hereby authorized, and it is made his duty, to remit for such current year so much of the twenty-five per centum of net earnings required to be paid into the sinking-fund, as aforesaid, as may have been thus applied and used in the payment of interest as aforesaid.

No dividend to be voted, &c., in case of default.

SEC. 6. That no dividend shall be voted, made, or paid for or to any stockholder or stockholders in either of said companies respectively at any time when the said company shall be in default in respect of the payment either of the sums required as aforesaid to be paid into said sinking-fund, or in respect of the payment of the said five per centum of the net earnings, or in respect of interest upon any debt the lien of which, or of the debt on which it may accrue, is paramount to that of the United States;

Liabilities of officers, &c., to repay dividends illegally made.

And any officer or person who shall vote, declare, make, or pay, and any stockholder of any of said companies who shall receive any such dividend contrary to the provisions of this act, shall be liable to the United States for the amount thereof, which, when recovered, shall be paid into said sinking-fund.

Penalty on officers, &c., for voting, &c., to pay illegal dividends.

And every such officer, person, or stockholder who shall knowingly vote, declare, make, or pay any such dividend, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding ten thousand dollars, and by imprisonment not exceeding one year.

Application of sinking-fund.

SEC. 7. That the said sinking-fund so established and accumulated shall, at the maturity of said bonds so respectively issued by the United States, be applied to the payment and satisfaction thereof, according to the interest and proportion of each of said companies in said fund, and of all interest paid by the United States thereon, and not reimbursed, subject to the provisions of the next section.

Priorities in application of sinking-fund.

SEC. 8. That said sinking-fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking-fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking-fund may be entitled thereto in due order;

But the provisions of this section shall not operate or be held to impair any existing legal right, except in the manner in this act provided, of any mortgage, lien, or other creditor of any of said companies respectively, nor to excuse any of said companies respectively from the duty of discharging, out of other funds, its debts to any creditor except the United States.

Liabilities to United States constitute lien on property of companies.

SEC. 9. That all sums due to the United States from any of said companies respectively, whether payable presently or not, and all sums required to be paid to the United States or into the Treasury, or into said sinking-fund under this act, or under the acts hereinbefore referred to, or otherwise, are hereby declared to be a lien upon all the property, estate, rights, and franchises of every description granted or conveyed by the United States to any of said companies respectively or jointly, and also upon all the estate and property, real, personal, and mixed, assets, and income of the said several railroad companies respectively, from whatever source derived, subject to any lawfully prior and paramount mortgage, lien, or claim thereon.

Companies not prevented from disposal of property in ordinary manner.

But this section shall not be construed to prevent said companies respectively from using and disposing of any of their property or assets in the ordinary, proper and lawful course of their current business, in good faith and for valuable consideration.

Enforcement of rights of United States.

SEC. 10. That it is hereby made the duty of the Attorney-General of the United States to enforce, by proper proceeding against the said several railroad companies respectively or jointly, or against either of them, and others, all the rights of the United States under this act and under the acts hereinbefore mentioned, and under any other act of Congress or right of the United States;

And in any suit or proceeding already commenced, or that may be hereafter commenced, against any of said companies, either alone or with other parties, in respect of matters arising under this act, or under the acts or rights hereinbefore mentioned or referred to, it shall be the duty of the court to determine the very right of the matter without regard to matters of form, joinder of parties, multifariousness, or other matters not affecting the substantial rights and duties arising out of the matters and acts hereinbefore stated and referred to.

Forfeiture of franchises on failure to comply with this act.

SEC. 11. That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States;

And it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced.

This and former acts subject to alteration, repeal, &c.

SEC. 12. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal, as, in the opinion of Congress, justice or the public welfare may require.

Existing remedies not affected.

And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

This act deemed as amending former acts.
1862, ch. 120 (12 Stat. L., 489).
1864, ch. 216 (13 Stat. L., 356).

SEC. 13. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of eighteen hundred and sixty-two and of said act of eighteen hundred and sixty-four respectively, and of both said acts. [*May* 7, 1878.]

CHAPTER 106.

May 16, 1878.
20 Stat. L., 61.

AN ACT TO AMEND A JOINT RESOLUTION AUTHORIZING THE SECRETARY OF WAR TO ISSUE ARMS, APPROVED JULY THIRD, EIGHTEEN HUNDRED AND SEVENTY-SIX.

Arms to be issued to Territories without limit of former law.

Arms to be issued to Territories

Be it enacted, &c., That a joint resolution, approved July third, eighteen hundred and seventy-six, entitled "Joint resolution authorizing the

Secretary of War to issue arms", be amended as follows, by inserting in the fifth line, after the word "States" and before the word "each," the words "and Territories", and by striking out after the word "each" in said fifth line, and before the word "provided" in the sixth line, the words "and not more than five hundred to each of said Territories":

Provided, That the quota to the States now authorized by law shall not hereby be diminished. [*May* 16, 1878.]

without limit of former law.
R. S., § 1667.
Res. 1876, July 3, No. 13, p. 253.

CHAPTER 107.

AN ACT TO REGULATE THE ADVERTISING OF MAIL LETTINGS, AND FOR OTHER PURPOSES.

May 17, 1878.
20 Stat. L., 61.

SECTION
1. Mail-lettings; how to be advertised.
Form of notice.
Contracts not to take place until sixty days after first publication.
2. Sub-letting without consent of Postmaster-General prohibited, under penalty.
3. In case of lawful sub-lettings, &c., copy of contract to be filed, and notice given to Sixth Auditor.
— what notice to contain.
Sub-contractors to be paid on certificate of Second Assistant Postmaster-General.
— unless they have been paid by contractors.
4. Post-office advertisements; at what rate to be paid for.
5. Contracts for carrying mails on water-routes between United States ports; how made.
— between United States and foreign ports not to be for more than two years.
Sections of Revised Statutes modified.
Repeal.

Be it enacted, &c.

[SECTION 1], That before making any contract for inland mail transportation, other than by railroads and steamboats, except for temporary service, as provided for in an act approved August eleventh, eighteen hundred and seventy-six, amendatory of sub-sections two hundred and forty-six and two hundred and fifty-one of section twelve of an act approved June twenty-third, eighteen hundred and seventy-four, the Postmaster-General shall cause to be published, in not exceeding ten newspapers published in the State or Territory in which such service is to be let, one of which shall be published at the seat of government of such State or Territory, once a week, for six consecutive weeks, preceding the time of letting, a notice in displayed type, not to exceed six inches of space in one column of a newspaper of the following purport:

Mail-lettings; how to be advertised.
R. S., §§ 3826-3828, 3941.
1876, July 12, ch. 179, § 1.
1876, Aug. 11, ch. 260.

MAIL LETTINGS.

Form of notice.

NOTICE TO CONTRACTORS.

POST OFFICE DEPARTMENT,
Washington, D. C. ———, —, 18—.

Proposals will be received at the Contract Office of this Department until —, A. M. of ———, ——, 18—, for carrying the mails of the United States, upon the routes, and according to the schedule of arrival and departure specified by the Department, in the State (or Territory) of ———, from —— 18—, to —— 18—. Lists of routes, with schedules of arrivals and departures, instructions to bidders, with forms for contracts and bonds and all other necessary information will be furnished upon application to the Second Assistant Postmaster-General.

——— ———,
Postmaster-General.

and no other advertisement of miscellaneous lettings shall be required:

Provided, That said contracts for mail letting shall not take place in less than sixty days after the first publication.

Contract not to take place until sixty days after first publication.

SEC. 2. Hereafter no sub-letting or transfer of any mail contracts shall be permitted without the consent in writing of the Postmaster-General;

And whenever it shall come to the knowledge of the Postmaster-General that any contractor has sub let or transferred his contract, except with the consent of the Postmaster-General as aforesaid, the same shall be considered as violated and the service may be again advertised as herein provided for; and the contractor and his securities shall be liable on their bond to the United States for any damage resulting to the United States in the premises.

Sub-letting without consent of Postmaster-General prohibited under penalty.
R. S., § 3963.
7 Oregon, 263.
16 Opin. Att'y-Gen., 61.

In case of lawful sub-lettings, &c., copy of contract to be filed and notice given to Sixth Auditor.
R. S., § 3963.
16 Opin. Att'y-Gen., 61, 280.

SEC. 3. Hereafter, when any person or persons being under contract with the Government of the United States for carrying the mails, shall lawfully sub-let any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Second Assistant Postmaster-General a copy of his or their contract;

And thereupon it shall be the duty of the Second Assistant Postmaster-General to notify the Auditor of the Treasury for the Post Office Department of the fact of the filing in his office of such contract.

—notice what to contain.

Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the sub-contractor or sub-contractors, and the amount agreed to be paid to the sub-contractor or sub-contractors.

Sub-contractors to be paid on certificate of Second Assistant Postmaster-General.

And upon the receipt of said notice by the Auditor of the Treasury for the Post Office Department, it shall be his duty to retain, out of the amount due the original contractor or contractors, the amount stated in said notice as agreed to be paid to the sub-contractor or sub-contractors, and shall pay said amount, upon the certificate of the Second Assistant Postmaster General, to the sub contractor or sub-contractors, under the same rules and regulations now governing the payments made to original contractors:

—unless they have been paid by contractors.

Provided, That upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the sub-contractor or sub-contractors, it shall be the duty of the Second Assistant Postmaster General to certify such fact to the Auditor of the Treasury for the Post Office Department;

And thereupon said Auditor shall settle with the original contractor or contractors, under the same rules as are now provided by law for such settlements.

Post-office advertisements; at what rate to be paid for.
R. S., §§ 3826–3828.
1875, ch. 128, § 1, par. 2.
1881, Jan. 21, ch. 25.

SEC. 4. Hereafter all advertisements, notices, proposals for contracts, and all other forms of advertising required by law for the Post Office Department may be paid for at a price not to exceed the commercial rates charged to private individuals with the usual discounts, such rates to be ascertained from sworn statements to be furnished to the Postmaster-General by the proprietors of the newspapers proposing to so advertise:

Provided, That all advertising in newspapers since the tenth day of April, eighteen hundred and seventy-seven, shall be audited and paid at like rates.

But the Postmaster-General may secure lower terms at special rates, whenever the public interest requires it.

Contracts for carrying mails on water-routes between United States ports; how made.

SEC. 5. When from any cause it may become necessary to make a new contract for carrying the mails upon any water route between ports of the United States, upon which mail service has previously been performed, the Postmaster-General may contract with the owner or master of any steamship, steamboat or other vessel plying upon the waters or between ports of the United States, for carrying the mail upon said route for any length of time not exceeding four years and without advertising for proposals therefor whenever the public interest and convenience will thereby be promoted;

But the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract upon the same route.

—when may be made without advertisements.

And the Postmaster-General may contract with the owners or masters of steamships steamboats or other vessels plying upon the waters or between ports of the United States for carrying the mails upon such routes where no mail service has previously been performed, without advertising for proposals therefor; but no contract for such new service shall be for a longer time than one year.

—between United States and foreign ports not to be for more than two years.

No contract for carrying the mails between the United States and any foreign port shall be for a longer time than two years, unless otherwise directed by Congress.

So much of sections thirty-nine hundred and forty-three, thirty-nine hundred and fifty-six, and thirty-nine hundred and seventy of the Revised Statutes as is in conflict with the preceding sections is hereby repealed.

Sections of Revised Statutes modified.
R. S., §§ 3943, 3956, 3970.

SEC. 6. All laws or parts of laws inconsistent with this act are hereby repealed. [*May* 17, 1878.]

Repeal.

CHAPTER 109.

AN ACT EXTENDING THE PRIVILEGES OF SECTIONS TWENTY-NINE HUNDRED AND NINETY TO TWENTY-NINE HUNDRED AND NINETY-SEVEN OF THE REVISED STATUTES, INCLUSIVE, TO THE PORT OF BATH, IN THE STATE OF MAINE.

May 25, 1878.
20 Stat. L., 63.

Imports for transportation in bond may be entered at or transported to Bath, Me.

Be it enacted, &c., (**Sup.**) [That the privileges of sections twenty-nine hundred and ninety to twenty-nine hundred and ninety-seven of the Revised Statutes, inclusive, be, and they are hereby, extended to the port of Bath, in the State of Maine.](1) [*May* 25, 1878.]

Imports for transportation in bond may be entered at or transported to Bath, Me.
R. S., §§ 2990–2997.
See 1880, June 10, ch. 190, §§ 7, 8.

NOTE.—(1) The sections of Revised Statutes here referred to are repealed, and this act superseded by act of 1880, June 10, ch. 190, where, in § 7, Bath is included among the places for which similar provisions are made.

CHAPTER 140.

AN ACT FOR THE RELIEF OF SETTLERS ON THE PUBLIC LANDS UNDER THE PRE-EMPTION LAWS.

May 27, 1878.
20 Stat. L., 65, 86.

Settlers on public lands changing entries from pre-emption to homestead. | —when may perfect title.

Be it enacted, &c., That any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land, shall be entitled to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws, subject to all the provisions of the law relating to homesteads. [*May* 27, 1878.]

Settlers on public lands changing entries from pre-emption to homestead.
—when may perfect title.
R. S., §§ 2259–2291.
1877, March 3, ch. 123.
1878, June 14, ch. 189.

CHAPTER 142.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

May 27, 1878.
20 Stat. L., 65, 86.

Par. 1. Union agency in Indian Territory abolished. | *Par.* 2. Indians employed not deemed employés of agencies, &c.

Be it enacted, &c. [SECTION 1.]

* * * * * * * *

[*Par.* 1.] The Union agency in the Indian Territory is hereby abolished, and the duties heretofore devolving upon said agency are transferred to the office of the Commissioner of Indian Affairs.(1)

Union agency in Indian Territory abolished.
R. S., § 2052.

* * * * * * * *

NOTE.—(1) The Union agency in the Indian Territory, here referred to, was established under that provision of the act making appropriations for the current expenses, &c., of the Indian Department for the year ending June 30, 1875, whereby the sum of $1,500 was appropriated for that year for one agent "for the Cherokees, Creeks, Choctaws, and Chickasaws and Seminoles" (ch. 389, 18 Stat. L., 147). The Revised Statutes provide, in § 2052, for forty-two (42) Indian agents, but that provision seems never to have been regarded since the passage of those statutes. Indian agents now hold their office and are paid, in point of fact, according to the provisions of annual appropriation acts, and these vary each year. Thus there have been appropriated for one year in each case by the act of 1874, ch. 389 (18 Stat. L., 146), for 69 agents; by the act of 1875, ch. 132 (18 Stat. L., 421), 70 agents; by the act of 1876, ch. 289 (19 Stat. L., 176), 68 agents; by the act of 1877, ch. 101 (19 Stat. L., 271), 69 agents; by the act of 1878, ch. 142 (20 Stat. L., 64), 74 agents; by the act of 1879, ch. 87 (20 Stat. L., 295), 71 agents; by the act of 1880, ch. 85 (21 Stat. L., 114), 68 agents. But these acts make no express change in the permanent provisions of Revised Statutes, § 2052, and, being temporary, are not included in this edition.

Indians employed not deemed employés of agencies, &c.
1875, March 3, ch. 132, § 5.
1879, Feb. 17, ch. 87.

[*Par.* 2.] Indians employed at agencies in any capacity shall not be construed as part of agency employees named in section five of the act making appropriations for the Indian service for the fiscal year eighteen hundred and seventy-six, approved March third, eighteen hundred and seventy-five.

* * * * * * *

[*May* 27, 1878.]

CHAPTER 145.

May 28, 1878.
20 Stat. L., 87.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO REFUND CERTAIN TAXES ERRONEOUSLY COLLECTED AND FOR OTHER PURPOSES.

Commissioners of District of Columbia may refund certain improvement assessments, correct errors, &c.

Commissioners of District Columbia may refund certain improvement assessments, correct errors, &c.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to refund to any persons who have heretofore been erroneously assessed for special improvement taxes on property not belonging to them, such moneys as they shall be found to have paid as taxes upon such erroneous assessment; and the said Commissioners are empowered to correct any assessment so found to have been made, and collect the tax from the rightful owners of the property. [*May* 28, 1878.]

CHAPTER 146.

May 31, 1878.
20 Stat. L., 87.

AN ACT TO FORBID THE FURTHER RETIREMENT OF UNITED STATES LEGAL-TENDER NOTES.

Reduction of amount of issue of United States legal-tender notes prohibited.

Reduction of amount of issue of United States legal-tender notes prohibited.
R. S., § 3582.
1874, June 20, ch. 343, § 6.
1875, Jan. 14, ch. 15, § 3.

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired cancelled or destroyed but they shall be re-issued and paid out again and kept in circulation:

Provided, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

All acts and parts of acts in conflict herewith are hereby repealed. [*May* 31, 1878.]

CHAPTER 148.

June 1, 1878.
20 Stat. L., 88.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS.

Homestead settlers whose crops were injured by grasshoppers in 1876 may make entry though they had been absent.

Homestead settlers whose crops were injured by grasshoppers in 1876 may make en-

Be it enacted, &c., That it shall be lawful for homestead settlers on the public lands whose crops were destroyed or seriously injured by grasshoppers in the year eighteen hundred and seventy-six, who left their land in said year, if no other settlement shall have been made thereon

by, or right or interest therein accrued to, any other person, to return to said land at any time within three months from and after the passage of this act;

try though they had been absent. 1879, July 1, ch. 63.

And upon the return of such settlers to such land, such absence therefrom shall in no wise affect the original settlements or homestead rights, but such settlers shall be allowed to resume and perfect their settlement, as if no such absence had occurred:

Provided, That proof of such destruction or injury of crops, absence and return of such settlers, shall be made in such manner as the Commissioner of the General Land Office may prescribe [*June* 1, 1878.]

CHAPTER 150.

AN ACT AUTHORIZING THE CITIZENS OF COLORADO, NEVADA AND THE TERRITORIES TO FELL AND REMOVE TIMBER ON THE PUBLIC DOMAIN FOR MINING AND DOMESTIC PURPOSES.

June 3, 1878.
20 Stat. L., 88.

SECTION
1. Timber, &c., may be cut from mineral lands by bona-fide residents thereof, for building, agricultural, mining, and domestic purposes.
2. Registers and receivers to ascertain and notify Commissioner when timber is cut for unauthorized purposes.
3. Penalty for violation of act.

Be it enacted, &c.

Timber, &c., may be cut from mineral lands for building, agricultural, mining, and domestic purposes. R. S., §§ 2318–2352, 2461. 1878, April 30, ch. 76, par. 2. 1878, June 3, ch. 151, §§ 4, 5.

[SECTION 1], That all citizens of the United States and other persons, bona fide residents of the State of Colorado, or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, or Montana, and all other mineral districts of the United States, shall be, and are hereby, authorized and permitted to fell and remove, for building, agricultural, mining, or other domestic purposes, any timber or other trees growing or being on the public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry, in either of said States, Territories, or districts of which such citizens or persons may be at the time bona-fide residents, subject to such rules and regulations as the Secretary of the Interior may prescribe for the protection of the timber and of the undergrowth growing upon such lands, and for other purposes:

Provided, the provisions of this act shall not extend to railroad corporations.

Registers and receivers to ascertain and notify Commissioner when timber is cut for unauthorized purposes.

SEC. 2. That it shall be the duty of the register and the receiver of any local land-office in whose district any mineral land may be situated to ascertain from time to time whether any timber is being cut or used upon any such lands, except for the purposes authorized by this act, within their respective land districts; and, if so, they shall immediately notify the Commissioner of the General Land Office of that fact;

And all necessary expenses incurred in making such proper examinations shall be paid and allowed such register and receiver in making up their next quarterly accounts.

Penalty for violation of act.

SEC. 3. Any person or persons who shall violate the provisions of this act, or any rules and regulations in pursuance thereof made by the Secretary of the Interior, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding five hundred dollars, and to which may be added imprisonment for any term not exceeding six months. [*June* 3, 1878.]

CHAPTER 151.

June 3, 1878.

20 Stat. L., 89.

AN ACT FOR THE SALE OF TIMBER LANDS IN THE STATES OF CALIFORNIA, OREGON, NEVADA, AND IN WASHINGTON TERRITORY.

SECTION
1. Timber-lands in California, Oregon, Nevada, and Washington Territory to be sold.
Claims under existing laws not impaired.
Rights under certain existing laws not impaired.
2. Application for purchase; what to set forth.
Penalty for false swearing.
3. Publication of application.
Facts to be proved.
Entry and patent.
Objection to patent.
Commissioner to make regulations.
4. Penalty for unlawfully cutting timber on public lands in said States, &c., and for transporting same.
— not to apply in certain cases.
5. Persons prosecuted for cutting timber not for export may be relieved.
Money collected under this act to be covered into Treasury.
6. Repeal.

Be it enacted, &c.

Timber lands in California, Oregon, Nevada, and Washington Territory to be sold.

[SECTION 1], That surveyed public lands of the United States within the States of California, Oregon and Nevada and in Washington Territory, not included within military, Indian, or other reservations of the United States, valuable chiefly for timber, but unfit for cultivation, and which have not been offered at public sale according to law, may be sold to citizens of the United States, or persons who have declared their intention to become such, in quantities not exceeding one hundred and sixty acres to any one person or association of persons, at the minimum price of two dollars and fifty cents per acre; and lands valuable chiefly for stone may be sold on the same terms as timber lands:

Claims under existing laws not impaired.

Provided, That nothing herein contained shall defeat or impair any bona-fide claim under any law of the United States, or authorize the sale of any mining claim, or the improvements of any bona-fide settler, or lands containing gold, silver, cinnabar, copper, or coal, or lands selected by the said States under any law of the United States donating lands for internal improvements, education, or other purposes:

Rights under certain existing laws not impaired.
R. S., §§ 2338, 2339, 2341–2343, 2477.
96 U. S., 165.

And provided further, That none of the rights conferred by the act approved July twenty-sixth, eighteen hundred and sixty-six, entitled(1) "An act granting the right of way to ditch and canal owners over the public lands, and for other purposes", shall be abrogated by this act; and all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under and by the provisions of said act; and such rights shall be expressly reserved in any patent issued under this act.

Application for purchase; what to set forth.

SEC. 2. That any person desiring to avail himself of the provisions of this act shall file with the register of the proper district a written statement in duplicate, one of which is to be transmitted to the General Land Office, designating by legal subdivisions the particular tract of land he desires to purchase, setting forth that the same is unfit for cultivation, and valuable chiefly for its timber or stone; that it is uninhabited; contains no mining or other improvements, except for ditch or canal purposes, where any such do exist, save such as were made by or belong to the applicant, nor, as deponent verily believes, any valuable deposit of gold, silver, cinnabar, copper, or coal; that deponent has made no other application under this act; that he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the government of the United States should inure, in whole or in part, to the benefit of any person except himself; which statement must be verified by the oath of the applicant before the register or the receiver of the land-office within the district where the land is situated;

Penalty for false swearing, &c.

And if any person taking such oath shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury, and

NOTES.—(1) The act of 1866, ch. 262 (14 Stat. L., 251), here referred to, is incorporated into Revised Statutes in the sections noted in the margin.

shall forfeit the money which he may have paid for said lands, and all right and title to the same;

And any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, shall be null and void.

Publication of application.

SEC. 3. That upon the filing of said statement, as provided in the second section of this act, the register of the land office, shall post a notice of such application, embracing a description of the land by legal subdivisions, in his office, for a period of sixty days, and shall furnish the applicant a copy of the same for publication, at the expense of such applicant, in a newspaper published nearest the location of the premises, for a like period of time;

Facts to be proved.

And after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish to the register of the land-office satisfactory evidence, first, that said notice of the application prepared by the register as aforesaid was duly published in a newspaper as herein required; secondly, that the land is of the character contemplated in this act, unoccupied and without improvements, other than those excepted, either mining or agricultural, and that it apparently contains no valuable deposits of gold, silver, cinnabar, copper, or coal;

Entry and patent.
R. S., § 2238, pars. 9, 11.
R. S., § 2334.

And upon payment to the proper officer of the purchase-money of said land, together with the fees of the register and the receiver, as provided for in case of mining claims in the twelfth section(2) of the act approved May tenth, eighteen hundred and seventy-two, the applicant may be permitted to enter said tract, and, on the transmission to the General Land Office of the papers and testimony in the case, a patent shall issue thereon:

Objection to patent.

Provided, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him, stating the nature of his claim thereto; and evidence shall be taken, and the merits of said objection shall be determined by the officers of the land-office, subject to appeal, as in other land cases.

Commissioner to make regulations.

Effect shall be given to the foregoing provisions of this act by regulations to be prescribed by the Commissioner of the General Land Office.

Penalty for unlawfully cutting timber on public lands in said States, &c., and for transporting same.
16 Opin. Att'y-Gen., 189.

SEC. 4. That after the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, in said States and Territory or remove, or cause to be removed, any timber from said public lands, with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than one hundred nor more than one thousand dollars:

—not to apply in certain cases.
1878, June 3, ch. 150, § 1.
1878, April 30, ch. 76.

Provided, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States; and the penalties herein provided shall not take effect until ninety days after the passage of this act.

Persons prosecuted for cutting timber not for export may be relieved.
R. S., § 2461.
1878, April 30, ch. 76.
16 Opin. Att'y-Gen., 189.

SEC. 5. That any person prosecuted in said States and Territory for violating section two thousand four hundred and sixty-one of the Revised Statutes of the United States who is not prosecuted for cutting timber for export from the United States, may be relieved from further prosecution and liability therefor upon payment, into the court wherein said action is pending, of the sum of two dollars and fifty cents per acre for all lands on which he shall have cut or caused to be cut timber, or removed or caused to be removed the same:

Provided, That nothing contained in this section shall be construed as granting to the person hereby relieved the title to said lands for said

NOTE.—(2) The twelfth section of the act of 1872, ch. 152 (17 Stat. L., 95), here referred to, is incorporated into the Revised Statutes in the sections noted in the margin.

payment; but he shall have the right to purchase the same upon the same terms and conditions as other persons, as provided hereinbefore in this act:

Money collected under this act to be covered into Treasury.

And further provided, That all moneys collected under this act shall be covered into the Treasury of the United States. And section four thousand seven hundred and fifty-one of the Revised Statutes is hereby repealed, so far as it relates to the States and Territory herein named.

Modifying R. S., § 4751.

Repeal.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed. [*June* 3, 1878.]

CHAPTER 152.

June 3, 1878.

20 Stat. L., 91.

AN ACT TO PROVIDE FOR THE PUBLICATION OF NOTICES OF CONTEST UNDER THE HOMESTEAD, PRE-EMPTION, AND TREE-CULTURE LAWS OF THE UNITED STATES.

Notices of contest under homestead, pre-emption, and tree-culture laws; how published.

Notices of contest under homestead, pre-emption, and tree-culture laws; how published.

R. S., §§ 2259, 2289, 2464.

1874, June 3, ch. 55, § 3.

1876, May 20, ch. 102.

1878, June 14, ch. 190.

Be it enacted, &c., That the notices of contest now provided by law under the homestead, pre-emption and tree-culture laws of the United States shall, after the passage of this act, be printed in some newspaper printed in the county where the land in contest lies; and if no newspaper be printed in such county, then in the newspaper printed in the county nearest to such land. [*June* 3, 1878.]

CHAPTER 154.

June 4, 1878.

20 Stat. L., 91.

AN ACT TO ALTER AND AMEND A LAW OF THE DISTRICT OF COLUMBIA RELATIVE TO THE INSPECTION OF FLOUR.

Inspection of flour manufactured in District of Columbia.
Pay of inspector.
Unmerchantable flour to be branded, &c.
Penalty for selling in violation of act.

Inspection of flour manufactured in District of Columbia.

Be it enacted, &c., That section six of an act of the legislative assembly of the District of Columbia, approved August twenty-first eighteen hundred and seventy one, entitled "An act relating to inspection of flour" be, and the same is hereby, amended so as read:

"That all and every barrel and half-barrel of flour manufactured in the District, or brought to the same for sale, shall be subject to the examination of the inspector, by boring, searching, and trying it through with an instrument not exceeding five-eighths of an inch in diameter, to be provided by the inspector for that purpose, who shall afterwards plug up the hole with a round plug made of soft wood, so as to prevent the entrance of water, and if the inspector shall judge the same to be merchantable according to the direction of this act, he shall, at the time of inspecting, mark or brand on the head or quarter of every barrel and half-barrel of flour, in letters one-half inch in length, the word "Georgetown", if inspected in Georgetown, and "Washington", if inspected in Washington, together with the word or words designating the degree of fineness which he shall, at the time of inspection, determine said flour entitled to, with the exception of the degree of superfine, which he shall mark or brand over the quarter; and the several degrees in quality shall be distinguished as follows: Family, Extra, Superfine, Fine, and First Middlings.

Pay of inspector.

And for the inspection of which the said inspector shall have and receive of the owner or agent of said flour, for each and every barrel and half-barrel, one cent and one drawing of flour for all inspected in Washington or Georgetown;

Unmerchantable flour to be branded, &c.

And every barrel or half-barrel of flour which shall prove, on examination thereof, to be unmerchantable, according to the true intent and meaning of this act, the said inspector shall mark on the head or quarter with a broad arrow.

And no barrel or half-barrel of flour, not examined and branded by the inspector as aforesaid, shall be sold within the District, under penalty of one dollar for each and every barrel or half-barrel, to be paid by the person or persons so offending. [*June* 4, 1878.]

Penalty for selling in violation of act.

CHAPTER 155.

AN ACT MAKING APPROPRIATIONS FOR THE CONSULAR AND DIPLOMATIC SERVICE OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

June 4, 1878.
20 Stat. L., 91.

Salaries established.
— of ministers plenipotentiary.
— of ministers resident.
Chargé d'affaires ad interim to have no additional pay.
Salaries of chargés d'affaires.
— of secretaries of legation.
— of interpreters.
— of consuls-general.
— of consuls, vice-consuls, commercial agents, and consular clerks of such classes.
— of commercial agencies.
— of clerks of consulates.
Total amount expended one year not to exceed $42,000.
Fees for shipping and discharging seamen at certain ports to be paid into Treasury.
Salaries of interpreters in Japan, China, Siam.
— of marshals in Japan, China, Siam, and Turkey.
Prices current to be furnished by consular officers to Secretary of Treasury.
Salaries of Spanish Claims Commission.
Salaries established by this act to be in full after July 1, 1878.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated for the service of the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely: (1)

Salaries established.
R. S., §§ 1675–1686, 1690.
1874, June 11, ch. 275.
1875, March 3, ch. 153. 1879, Jan. 27, ch. 28.

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at seventeen thousand five hundred dollars each, seventy thousand dollars.

— of ministers plenipotentiary.

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, at twelve thousand dollars each, eighty four thousand dollars.

For salaries of envoys extraordinary and ministers plenipotentiary to Chili and Peru, at ten thousand dollars each, twenty thousand dollars.

For ministers resident at Belgium, Netherlands, Argentine Republic, Sweden and Norway, Turkey, Venezuela, Hawaiian Islands, and the United States of Colombia, at seven thousand five hundred dollars each, sixty thousand dollars.

— of ministers resident.

For minister resident and consul-general at Bolivia, five thousand dollars.

For minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, to reside at the place that the President may select in either of the States named, ten thousand dollars.

For minister resident and consul-general to Hayti, seven thousand five hundred dollars.

For minister resident and consul-general to Liberia, four thousand dollars.

That hereafter chargés d'affaires ad interim shall receive no additional pay beyond that which the law provides for the regular offices which they hold in their respective legations.

Chargés d'affaires ad interim to have no additional pay.
R. S., §§ 1684, 1686.

For salary of chargés d'affaires to Portugal, Denmark, Paraguay and Uruguay and Switzerland, at five thousand dollars each, twenty thousand dollars.

Salaries of chargés d'affaires.

NOTE.—(1) This act makes appropriations for one year only, but the last clause here printed makes the salaries therein provided for in full after July 1, 1878, and repeals all laws in conflict therewith. Most of the act is superseded by the act of 1879, June 27, ch. 28, which, after making appropriations for one year, adds a continuing clause in the same language as that of this act.

Salaries of secretaries of legation.

For salaries of the secretaries to the legations at London, Paris, Berlin, and Saint Petersburg, at two thousand six hundred and twenty-five dollars each, ten thousand five hundred dollars.

For salary of the secretary of legation at Japan, two thousand five hundred dollars.

For salaries of the secretaries to the legations at Austria, Brazil, Italy, Mexico, and Spain, at one thousand eight hundred dollars each, nine thousand dollars.

For the salary of the secretary to the legation (when acting also as interpreter) at China, five thousand dollars.

—of interpreters.

For the salary of the interpreter to the legation in Turkey, three thousand dollars.

For the interpreter to the legation at Japan, two thousand five hundred dollars.

* * * * * * *

SCHEDULE B.

—of consuls-general.

For the agent and consul-general at Cairo, four thousand dollars.

For the consuls-general at London, Paris, Havana, and Rio de Janeiro, each six thousand dollars, twenty-four thousand dollars.

For the consuls-general at Calcutta and Shanghai, each five thousand dollars, ten thousand dollars.

For the consul-general at Melbourne, four thousand five hundred dollars.

For the consuls-general at Kanagawa and Montreal, each four thousand dollars, eight thousand dollars.

For the consul-general at Berlin, four thousand dollars.

For the consuls-general at Vienna, Frankfort, Rome, and Constantinople, each three thousand dollars, twelve thousand dollars.

For the consuls-general at Saint Petersburg and Mexico, each two thousand dollars, four thousand dollars.

For the consul at Liverpool, six thousand dollars.

—of consuls, vice-consuls, commercial agents, and consular clerks.

R. S., § 1704.

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, three hundred and four thousand six hundred dollars, namely:

Class one.

CLASS I.—At $4,000. per annum.

GREAT BRITAIN.—Hong-Kong.
HAWAIIAN ISLANDS.—Honolulu.

Class two.

CLASS II.—At $3,500. per annum.

CHINA.—Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chiu-Kiang; Ningpo.
PERU.—Callao.

Class three.

CLASS III.—At $3,000 per annum.

GREAT BRITAIN.—Manchester; Glasgow; Bradford; Demerara.
FRENCH DOMINIONS.—Havre.
SPANISH DOMINIONS.—Matanzas.
MEXICO.—Vera Cruz.
UNITED STATES OF COLOMBIA.—Panama; Colon (Aspinwall).
ARGENTINE REPUBLIC.—Buenos Ayres.
BARBARY STATES.—Tripoli; Tunis; Tangier.
JAPAN.—Nagasaki; Osaka and Hiogo.
SIAM.—Bangkok.
CHILI.—Valparaiso.

Class four.

CLASS IV.—At $2,500 per annum.

GREAT BRITAIN.—Singapore; Tunstall; Birmingham; Sheffield; Belfast.
FRENCH DOMINIONS.—Marseilles; Bordeaux; Lyons.
SPANISH DOMINIONS.—Cienfuegos; Santiago de Cuba.
BELGIUM.—Antwerp; Brussels.

DANISH DOMINIONS.—Saint Thomas.
GERMANY.—Hamburg; Bremen; Dresden.

CLASS V.—At $2,000 per annum. Class five.

GREAT BRITAIN.—Cork; Dublin; Leeds; Dundee; Leith; Toronto; Hamilton; Halifax; Saint John's (New Brunswick); Kingston (Jamaica); Coaticook; Nassau (New Providence); Cardiff; Port Louis (Mauritius).
SPANISH DOMINIONS.—San Juan (Porto Rico).
PORTUGAL.—Lisbon.
DOMINION OF THE NETHERLANDS.—Rotterdam.
RUSSIA.—Odessa.
GERMANY.—Sonneberg; Nuremberg; Barmen; Cologne; Chemnitz; Leipsic.
AUSTRIA-HUNGARY.—Trieste; Prague.
SWITZERLAND.—Basle; Zurich.
MEXICO.—Acapulco; Matamoras.
BRAZIL.—Pernambuco.
MADAGASCAR.—Tamatave.
URUGUAY.—Montevideo.
TURKISH DOMINIONS.—Beirut; Smyrna.

CLASS VI.—At $1,500 per annum. Class six.

GREAT BRITAIN.—Bristol; New Castle; Auckland; Gibraltar; Cape Town; Saint Helena; Charlottetown (Prince Edward Island); Port Stanley; Clifton; Pictou; Winnipeg; Mahe; Kingston (Canada); Prescott; Port Sarnia; Quebec; Saint John's (Canada); Barbadoes; Bermuda; Fort Erie; Goderich (Canada West); Windsor (Canada West).
FRENCH DOMINIONS.—Nice; Martinique.
SPANISH DOMINIONS.—Cadiz; Malaga; Barcelona.
PORTUGUESE DOMINIONS.—Fayal (Azores); Funchal.
BELGIUM.—Verviers and Liege.
GERMANY.—Munich; Stuttgart; Mannheim.
DOMINIONS OF THE NETHERLANDS.—Amsterdam.
DANISH DOMINIONS.—Copenhagen.
SWITZERLAND.—Geneva.
ITALY.—Genoa; Naples; Leghorn; Florence; Palermo; Messina.
TURKISH DOMINIONS.—Jerusalem.
MEXICO.—Tampico.
VENEZUELA.—Laguayra.
BRAZIL.—Bahia.
SAN DOMINGO.—San Domingo.

SCHEDULE C.

CLASS VII.—At $1,000 per annum. Class seven.

GREAT BRITAIN.—Ceylon; Gaspe Basin; Southampton; Windsor (Nova Scotia).
GERMANY.—Stettin.
FRENCH DOMINIONS.—Nantes.
ITALY.—Venice.
HAYTI.—Cape Haytien.
UNITED STATES OF COLOMBIA.—Sabanilla.
ECUADOR.—Guayaquil.
NETHERLANDS.—Batavia.
BRAZIL.—Para; Rio Grande del Sul.
HONDURAS.—Ruatan and Truxillo.
MEXICO.—Guaymas.
MUSCAT.—Zanzibar.
PORTUGUESE DOMINIONS.—Santiago (Cape Verde Islands).

SOCIETY ISLANDS.—Tahiti.
CHILI.—Talcahuano.
FRIENDLY AND NAVIGATOR'S ISLANDS.—Apia.

Salaries of commercial agencies.

COMMERCIAL AGENCIES.

SCHEDULE C.

Saint Paul de Loando; Lauthala.

SCHEDULE B.

San Juan del Norte.

—clerks at consulates.
R. S., § 1704.
1879, June 27, ch. 28.
1881, Feb. 24, ch. 78.

For allowance for clerks at consulates, forty-two thousand six hundred dollars, as follows:

For the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of three thousand dollars for any one year; and to the consuls general at London, Paris, and Shanghai, each a sum not exceeding the rate of two thousand dollars for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Beirut, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Fayal, Nuremberg, Leith, Naples, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding one thousand five hundred dollars for any one year:

Total amount expended in one year not to exceed $42,600.

Provided, That the total sum expended in any one year shall not exceed the amount herein appropriated.

Fees for shipping and discharging seamen at certain ports to be paid into Treasury.

For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburgh, to be allotted as may seem proper to the Secretary of State, six thousand dollars: *Provided*, That the fees collected at these ports for shipping and discharging seamen shall be paid into the Treasury as required by law.

Salaries of interpreters in Japan, China, and Siam.

For salaries of the interpreters to the following consulates: at Shanghai, two thousand dollars, and at Tien-Tsin, Foochow, and Kanagawa, at one thousand five hundred dollars each, six thousand five hundred dollars.

For salaries of the interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, at seven hundred and fifty dollars each, three thousand dollars.

For salaries of the interpreters to twelve other consulates in China, Japan, and Siam, at five hundred dollars each, six thousand dollars.

* * * * * * *

—of marshals in Japan, China, Siam, and Turkey.

For salaries of the marshals for the consular courts in Japan and China, Siam, and Turkey, including loss by exchange, seven thousand dollars.

* * * * * * *

Prices current to be furnished by consular officers to Secretary of Treasury.
R. S., § 1712.
1879, Jan'y 27, ch. 28.

Every consular officer shall furnish to the Secretary of the Treasury, or to such officers of the customs as he may direct, as often as may be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is stationed; and authority is hereby vested in the Secretary of the Treasury to require a compliance with this provision; but this provision shall not have the effect to impair the provisions of section seventeen hundred and twelve of the Revised Statutes.

Salaries of Spanish Claims Commission.

For salaries and expenses of the United States and Spanish Claims Commission, namely: For commissioner, three thousand dollars; for counsel, three thousand dollars; for secretary, nine hundred dollars; for messenger, three hundred dollars; for contingent expenses, seven hundred and fifty dollars; making in all the sum of seven thousand nine hundred and fifty dollars.

* * * * * * *

And the salaries provided in this act for the officers within named respectively shall be in full for the annual salaries thereof from and after the first day of July, eighteen hundred and seventy-eight;

Salaries established by this act to be in full after July 1, 1878.

And all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

1879, June 27, ch. 28.

* * * * * * *

[*June* 7, 1878.]

CHAPTER 156.

AN ACT TO PROVIDE FOR THE FREE ENTRY OF ARTICLES IMPORTED FOR EXHIBITION BY SOCIETIES ESTABLISHED FOR ENCOURAGEMENT OF THE ARTS OR SCIENCES, AND FOR OTHER PURPOSES.

June 6, 1878.
20 Stat. L., 99.

Works of art, &c., for permanent exhibition or for public monuments by societies admitted free of duty.

Bond in such case required.

Be it enacted, &c., That all works of art, collections in illustration of the progress of the arts, science or manufactures, photographs, works in terra-cotta, Parian, pottery or porcelain and artistic copies of antiques in metal or other material hereafter imported in good faith for permanent exhibition at a fixed place by any society or institution established for the encouragement of the arts or science, and not intended for sale, nor for any other purpose than is hereinbefore expressed, and all such articles, imported as aforesaid, now in bond, and all like articles imported in good faith by any society or association for the purpose of erecting a public monument and not for sale shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe:

Works of art, &c., for permanent exhibition or for public monuments by societies admitted free of duty.
R. S., § 2512.
16 Opin. Att'y-Gen., 486.

Provided, That the parties importing articles as aforesaid shall be required to give bonds, with sufficient sureties, under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to the provisions and intent of this act. [*June* 6, 1878.]

—bond in such case required.

CHAPTER 160.

AN ACT TO REPEAL THE BANKRUPT LAW.

June 7, 1878.
20 Stat. L., 99.

Bankrupt law repealed.
Pending cases not affected.

Act takes effect September 1, 1878.

Be it enacted, &c., That the bankrupt law approved March second, eighteen hundred and sixty-seven, title sixty-one, Revised Statutes, and an act entitled (1) "An act to amend and supplement an act entitled An act to establish a uniform system of bankruptcy throughout the United States, approved March second, eighteen hundred and sixty-seven, and for other purposes, approved June twenty-second, eighteen hundred and seventy-four", and all acts in amendment or supplementary thereto or in explanation thereof, be, and the same are hereby, repealed:

Bankrupt law repealed.
R. S., §§ 4972-5132.
1874, June 22, ch. 390.

Provided, however, That such repeal shall in no manner invalidate or affect any case in bankruptcy instituted and pending in any court prior to the day when this act shall take effect; but as to all such pending cases and all future proceedings therein, and in respect of all pains, penalties, and forfeitures which shall have been incurred under any of said acts prior to the day when this act takes effect, or which may be thereafter incurred, under any of those provisions of any of said acts which, for the purposes named in this act, are kept in force, and all penal actions and criminal proceedings for a violation of any of said

Pending cases not affected.

NOTE.—(1) The act of 1867, ch. 176 (14 Stat. L., 517), and supplementary acts here referred to, are incorporated into the Revised Statutes in the sections noted in the margin.

acts, whether then pending or thereafter instituted, and in respect of all rights of debtors and creditors (except the right of commencing original proceedings in bankruptcy), and all rights of, and suits by, or against assignees, under any, or all of said acts, in any matter or case which shall have arisen prior to the day when this act takes effect (which shall be on the first day of September, anno Domini eighteen hundred and seventy-eight), or in any matter or case which shall arise after this act takes effect, in respect of any matter of bankruptcy authorized by this act to be proceeded with after said last-named day, the acts hereby repealed shall continue in full force and effect until the same shall be fully disposed of, in the same manner as if said acts had not been repealed. [*June* 7, 1878.]

Act takes effect Sept. 1, 1878.

CHAPTER 162.

June 7, 1878.

20 Stat. L., 100.

AN ACT REGULATING THE APPOINTMENT OF JUSTICES OF THE PEACE, COMMISSIONERS OF DEEDS, AND CONSTABLES WITHIN AND FOR THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

SECTION
1. President to appoint fifteen justices of the peace in District of Columbia.
Their jurisdiction.
Disposition of records on termination of office.
2. Justices in office at time of passage of this act.
3. Supreme court of District may appoint twenty constables.
4. — to fix and approve bonds of justices of the peace and constables, and may remove constables, &c.
5. President may appoint commissioners of deeds in States, &c.
— and notaries public.
Term of office of commissioners and notaries.
6. Repeal.

Be it enacted, &c.

President to appoint fifteen justices of peace in District Columbia.

R. S., vol. 2, Dist. Col., §§ 990–1034.

[SECTION 1], That the President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint fifteen justices of the peace within and for the District of Columbia. Said justices of the peace shall be assigned as follows: two in the city of Georgetown, one in Tennallytown, one in Brightwood, one in Uniontown, and ten in the city of Washington. Their term of office shall be four years, subject to removal for cause.

Their jurisdiction.

They shall respectively have the jurisdiction, exercise the powers and functions, and perform the duties as now provided by law for said officers respectively. Said justices of the peace, shall be the successors of the justices of the peace who now hold office in said District, and shall proceed in and close up all such unfinished business of their predecessors as may be brought to their attention by any party in interest, who shall present a transcript of the same, as hereinafter provided.

And in like manner they shall proceed in and close up all unfinished business of any predecessor in office appointed under this act.

Disposition of records, &c., on termination of office, &c.

Upon resignation or the expiration of the term of office, they shall make, certify, and deliver transcripts of any proceeding on their docket to any party in interest, or shall deliver said docket, together with all papers in all unfinished business, to their successors in office, at their option, and account for all moneys in their hands.

Upon the death or removal of any justice of the peace appointed under this act, his docket, books, and papers of office shall be delivered to his immediate successor in office.

Justices in office at time of passage of this act.

SEC. 2. The terms of office of all justices of the peace, now in office within and for the District of Columbia shall end on the thirtieth day after the approval of this act.

They shall issue no process returnable on or after that day, and shall deposit their docket, books, papers, and records pertaining to their office in the office of the clerk of the supreme court of the District of Columbia, who shall, on demand of the parties in interest, deliver to them transcripts, duly certified, together with all papers left or filed with them by said parties in said case or proceeding.

SEC. 3. The supreme court of the District shall have authority to appoint not exceeding twenty constables, who shall hold office for four years, subject to be removed by said court for cause, upon hearing. And said constables shall be the successors of the constables now holding office in the said District.

Supreme court of District may appoint twenty constables.
R. S., vol. 2, Dist. Col., §§ 1035–1040.

The term of office of all constables now in office in said District shall end on the thirtieth day after the approval hereof, and they shall, on or before said day, return all process which may be held by them duly executed (except as hereafter provided), and pay over to the proper parties all moneys in their hands;

All constables may duly execute and return all writs and processes in their hands at the time of such expiration of their term of office.

SEC. 4. The supreme court of the District of Columbia shall have the power to fix the amount and form of the bonds, and approve the same, to be given by said justices of the peace and constables, and make such further regulations as may be necessary to complete the transfer of the existing business from the present justices of the peace to those appointed under this act, and for the return of any writ, execution, or other process by the present justices of the peace to those appointed under this act, and may remove constables from office for willful violation of law, or for misconduct, or for incompetency.

—to fix and approve bonds of justices of peace and constables, and may remove constables, &c.

SEC. 5. The President of the United States is hereby authorized to appoint as many commissioners of deeds throughout the United States as he may deem necessary, with powers to take the acknowledgment of deeds for the conveyance of property within the said District, administer oaths, and take depositions in cases pending in the courts of said District in the manner prescribed by law; to whose acts, properly attested by their hands and seals of office, full faith and credit shall be given.

President may appoint commissioners of deeds in States, &c.

The President shall also have power to appoint such number of notaries public, residents of said District, as in his discretion the business of the District may require;

—and notaries public in District.
R. S., vol. 2, Dist. Col., § 62.

Said commissioners of deeds and notaries public to hold their offices for the period of five years, removable at discretion.

Terms of office of commissioners and notaries.

SEC. 6. All laws and parts of laws inconsistent with any of the provisions of this act be, and the same are hereby repealed. [*June* 7, 1878.]

Repeal.

CHAPTER 168.

AN ACT EXPLANATORY OF SECTION EIGHTEEN HUNDRED AND EIGHTY-NINE OF THE REVISED STATUTES OF THE UNITED STATES, AND TO RATIFY AND CONFIRM CERTAIN TERRITORIAL LEGISLATION, AND FOR OTHER PURPOSES.

June 8, 1878.
20 Stat. L., 101.

Territories not prohibited from creating towns, cities, and municipal corporations. | Acts confirmed. Private rights, &c.; how affected.

Be it enacted, &c., That the words "the legislative assemblies of the several Territories shall not grant private charters or especial privileges" in section eighteen hundred and eighty-nine of the Revised Statutes of the United States shall not be construed as prohibiting the legislative assemblies of the several Territories of the United States from creating towns, cities, or other municipal corporations, and providing for the government of the same, and conferring upon them the corporate powers and privileges, necessary to their local administration, by either general or special acts;

Territories not prohibited from creating towns, cities, and municipal corporations.
R. S., § 1889.

And that all general and special acts of such legislative assemblies heretofore passed creating and providing for the government of towns, cities, or other municipal corporations, and conferring such rights, powers and privileges upon the same, as were necessary to their local administration, be, and the same are hereby, ratified and confirmed and declared to be valid, any law to the contrary notwithstanding, subject, however, to amendment or repeal hereafter by such Territorial assemblies.

Acts confirmed.

Private rights, &c.; how affected.

But nothing herein shall have the effect to create any private right, except that of holding and executing municipal offices, or to divest any such right, or to make valid or invalid any contract or obligation heretofore made by or on behalf of any such town, city or other municipal corporation, or to authorize any such corporation to incur hereafter any debt or obligation other than such as shall be necessary to the administration of its internal affairs. [*June* 8, 1878.]

CHAPTER 169.

June 8, 1878.

20 Stat. L., 101.

AN ACT TO PROVIDE FOR CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES AT TOLEDO, OHIO.

SECTION
1. Circuit and district court in Ohio; when to be held at Toledo.
One grand and one petit jury for both courts.
2. Northern district divided into eastern and western divisions.
—with no additional clerk or marshal.
3. Suits; in which division to be brought.
Issues of fact; where to be tried.
4. Offenses; where to be tried.
5. Pending cases may be transferred, &c.
6. Jurors; their residence.
Process may be executed in other divisions.
7. When act takes effect.
Repeal.

Be it enacted, &c.

Circuit and district court in Ohio; when to be held at Toledo.
R. S., §§ 572, 658.

[SECTION 1], That a term of the circuit court and district court for the northern district of Ohio shall be held at Toledo, in said State, on the first Tuesday of the months of June and December in each year;

One grand and one petit jury for both courts.

And one grand jury and one petit jury only shall be summoned, and serve in both of said courts at each term thereof.

Repeal.

And the existing provisions of law fixing the times of holding the district court at Toledo are hereby repealed.

Northern district divided into—
R. S., § 544.

SEC. 2. Said northern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the northern district of Ohio.

—western division.

The western division shall consist of twenty-four counties, to wit; Williams, Defiance, Paulding, Van Wert, Mercer, Auglaize, Allen, Putnam, Henry, Fulton, Lucas, Wood, Hancock, Hardin, Logan, Union, Delaware, Marion, Wyandot, Seneca, Sandusky, Ottawa, Erie, and Huron;

—eastern division.
1880, Feb. 4, ch. 18, § 1.

And the eastern division shall consist of the remaining counties in said district.

—with no additional clerk or marshal.

But no additional clerk or marshal shall be appointed in said district.

Suits; in which division to be brought.

SEC. 3. All suits not of a local nature in the circuit and district courts, against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division.

Issues of fact; where to be tried.

All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

Offenses; where to be tried.

SEC. 4. All offenses committed in either of the subdivisions shall be cognizable and indictable within said division.

Pending cases may be transferred, &c.

SEC. 5. Actions or proceedings now pending at Cleveland, in said district, which would under this act be brought in the western division of said district, may be transferred, by consent of all the parties, to said western division;

And in case of such transfer, all papers and files therein, with copies of all journal-entries, shall be transferred to the deputy clerk's office at Toledo;

And the same shall be proceeded with in all respects as though it originally commenced in the western division.

Jurors; their residence.

SEC. 6. All grand and petit jurors summoned for service in each division shall be residents of such division.

All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions. Process may be executed in either division.

SEC. 7. This act shall be in force from and after the first day of September, anno Domini eighteen hundred and seventy-eight. When act takes effect, &c.

And all acts and parts of acts inconsistent herewith are hereby repealed. [*June* 8, 1878.] Repeal.

CHAPTER 170

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO CONSTITUTE SUPERINTENDENTS OF MINTS OR ASSAYERS IN ASSAY-OFFICES, ASSISTANT TREASURERS OF THE UNITED STATES.

June 8, 1878.
20 Stat. L., 102.

Superintendents of mints may be authorized to receive deposits of gold and issue certificates therefor.

Be it enacted, &c., That the Secretary of the Treasury be and he is hereby authorized to constitute any superintendent of a mint or assayer of any assay-office, an assistant treasurer of the United States without additional compensation, to receive gold coin and bullion on deposit for the purposes provided for in section two hundred and fifty-four of the Revised Statutes. [*June* 8, 1878.] Superintendents of mints may be authorized to receive deposits of gold and issue certificates therefor. R. S., § 254.

CHAPTER 180.

AN ACT PROVIDING A PERMANENT FORM OF GOVERNMENT FOR THE DISTRICT OF COLUMBIA.

June 11, 1878.
20 Stat. L., 102.

SECTION
1. District of Columbia a municipal corporation, &c.
2. Commissioners to be appointed.
Engineer Commissioner.
Civil Commissioners.
President of board.
Oath.
Salary and bond.
Term of office.
Who shall not be sureties on bonds to District.
3. Powers and property vested in Commissioners.
Application of revenues.
Hacks.
Taxes not to be hypothecated.
Offices may be abolished or consolidated.
Lights.
Pending suits and existing rights not affected.
Annual estimates.
—to be considered and approved by Secretary of Treasury.
Congress to appropriate fifty per cent. of estimates approved, and remainder to be collected by taxation.
Limit of taxation.
—on agricultural lands.
Tax notice.
Deduction, &c., for prompt payment.
4. Regulation of payment of taxes may be made by Commissioners.
Taxes to be paid into United States Treasury, and disbursements; how made.
Accounts to be settled by accounting officers of Treasury.

SECTION
Interest on 3.65 bonds to be paid by Secretary of Treasury.
5. Repairs of streets, alleys, &c., and laying pavements, notice to be given; and proposals, how accepted, &c.
Contracts; how entered into, &c.
Provisions as to laying pavements.
Cost of laying pavements, sewers, &c.; how paid.
Railways refusing to pave.
Railways crossing streets.
Water and gas mains.
Assistant to Engineer Commissioner to be detailed.
6. Police and school boards abolished, and duties transferred to Commissioners.
School trustees; how appointed, and their powers.
7. Duties of sinking-fund commissioners transferred to United States Treasurer.
8. Health officer in place of board of health.
9. Sanitary inspectors; their appointment, duties, &c.
Health officer to report annually.
10. Clerks for health officer, &c.
11. Salaries of health officer and sanitary inspectors.
—of clerks and assistants.
12. Commissioners to report to Congress.
13. District debt not to be increased.
14. Certain taxes on collegiate establishments, &c., to be refunded.
15. Repeal.

Be it enacted, &c.

[SECTION 1], That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia. District of Columbia a municipal corporation, &c. 1874, June 20, ch. 337.

Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act.

The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

Commissioners to be appointed, &c.

SEC. 2. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain, shall be Commissioners of the District of Columbia, and who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners.

Powers, &c.

Engineer Commissioner.

The Commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army.

Civil Commissioners.

The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else,

President of board.

And one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur, thereafter;

Oath.

And said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law;

Salary and bond.

And said Commissioners appointed from civil life, shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law.

Term of office.

16 Opin. Att'y-Gen., 537.

The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years.

Who shall not be sureties on bonds to District.

Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District

Powers and property vested in Commissioners.

1874, June 20, ch. 337.

1878, June 20, ch. 359, § 1, par. 2.

1874, Jan. 25, ch. 27.

SEC. 3. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine.

Application of revenues.

1874, June 20, ch. 337, § 2.

1875, March 1, ch. 117.

And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits,

securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid;

But said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress.

Hacks.

The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners.

Taxes not to be hypothecated. 1874, June 20, ch. 337, § 2.

All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof, but they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenues, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year.

Offices may be abolished or consolidated. 1874, June 20, ch. 337, § 2. 16 Opin. Att'y-Gen., 179.

And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law;

Lights.

Said Commissioners shall have power to erect light, and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary:

Pending suits and existing rights not affected.

Provided, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the Commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District or Commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced, proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation.

Annual estimates. 1880, June 4, ch. 121, § 2. 1881, March 3, ch. 134, § 1, par. 5.

The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof;

Also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District;

The cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia;

And also the expenses of the Washington Aqueduct and its appurtenances;

And also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year:

Provided, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities.

—to be considered and approved by Secretary of Treasury.

The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think

the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress.

Congress to appropriate fifty per cent. of estimates approved, and remainder to be collected by taxation.

To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of fifty per centum thereof; and the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act:

Limit of taxation.

Provided, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof:

—on agricultural lands.

And provided further, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars.

Tax notice.

The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes;

Deduction, &c., for prompt payment. 1877, ch. 117 (19 Stat. L., 396).

And any person who shall, within thirty days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of five per centum on the amount of his tax; all penalties imposed by the act approved March third, eighteen hundred and seventy-seven, chapter one hundred and seventeen, upon delinquents for default in the payment of taxes levied under said act, at the time specified therein, shall, upon payment of the said taxes assessed against such delinquents within three months from the passage of this act, with interest at the rate of six per cent thereon, be remitted.

Regulations of payment of taxes may be made by Commissioners. 1877, ch. 117 (19 Stat. L., 396).

SEC. 4. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes", or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto.

Taxes to be paid into United States Treasury, and disbursements; how made. 1875, March 3, ch. 162, § 13. 1879, March 3, ch. 182, § 2. 1880, June 4, ch. 121, § 2.

All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said Commissioners, or a majority of them;

Accounts to be settled by accounting officers of Treasury.

And the accounts of said Commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting-officers of the Treasury Department of the United States.

Interest on 3.65 bonds to be paid

Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of

the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided:

by Secretary of Treasury.
1874, ch. 337, § 7.
1875, Feb. 20, ch. 94.
1879, March 3, ch. 182, § 2.

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done;

Repairs of streets, alleys, &c., and laying of pavements, notice to be given; and proposals, how accepted, &c.

And the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted:

Provided, however, That the Commissioners shall have the right, in their discretion, to reject all of such proposals:

Provided, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars.

All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District, and all contracts shall be copied in a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid.

Contracts; how entered into, &c.

No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner;

Provisions as to laying pavements.

And good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners; and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts;

And ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit:

Cost of laying pavements, sewers, &c.; how paid.

When any street or avenue through which a street-railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair;

But the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct;

The United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway

companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year;

And all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work:

Railways refusing to pave.

That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia;

And if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company;

And if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder.

Railways crossing streets.

When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section.

Water and gas mains.

It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down;

And the Washington Gas Light Company, under the direction of said Commissioners, shall at its own expense take up, lay, and replace all gas-mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct.

Assistants to Engineer Commissioner to be detailed.

The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the engineer officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

Police and school boards abolished and duties transferred to Commissioners.

SEC. 6. That from and after the first day of July, eighteen hundred and seventy-eight, the board of metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act.

School trustees; how appointed, &c.

And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said Commissioners shall fix.

— their powers.

Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

United States Treasurer to be sinking-fund commissioner.
16 Opin. Att'y-Gen., 632.

SEC. 8. That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health-officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners;

Health officer.
1874, June 23, ch. 490.
1880, April 24, Res. No. 25, p. 574.
1881, Jan. 25, ch. 27.

And the board of health now existing shall, from the date of the appointment of said health-officer, be abolished.

SEC. 9. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health-officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation;

Sanitary inspectors.

And said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each;

And said inspectors shall be respectively required to make, at least once in two weeks, a report to said health-officer, in writing, of their inspections, which shall be preserved on file;

And said health-officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

Health officer to report annually.

SEC. 10. That the Commissioners may appoint, on the like recommendation of the health-officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said health-officer, than the public interests demand and the appropriation shall justify.

Clerks for health officer, &c.

SEC. 11. That the salary of the health-officer shall be three thousand dollars per annum; and the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each;

Salaries of health officer, &c.
1878, June 20, ch. 359, §1, par. 2.

And the salary of the clerk and other assistants of the health-officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

—of clerks and assistants.

SEC. 12. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia;

Commissioners to report to Congress.

And said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

SEC. 13. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

District debt not to be increased.
1876, March 14, Res. No. 4, § 2, p. 253.
1880, June 16, ch. 243.
1881, March 3, ch. 134, § 4.

SEC. 14. That the term "school houses" in the act of June seventeenth, eighteen hundred and seventy, chapter thirty,(1) was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain; and that all taxes heretofore imposed upon such establishments, in the District of Columbia, since the date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded.

Certain taxes on collegiate establishments, &c., to be refunded.
1870, June 17, ch. 131, (16 Stat. L., 153).

NOTE.—(1) The chapter intended to be referred to here appears to be ch. 131 instead of ch. 30.

But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

Repeal.

SEC. 15. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed. [*June* 11, 1878.]

CHAPTER 181

June 11, 1878.
20 Stat. L., 108.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

SECTION
1. Board of visitors to Military Academy; how paid.
2. Appointment of civilians in Army as second lieutenants restricted.
3. Graduates of Academy after July 1, 1882, to be appointed second lieutenants to fill vacancies only, or discharged.
4. Cadets appointed at large not to exceed ten.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

Board of visitors to Military Academy; how paid.
R. S., § 1329.
1877, March 3, ch. 109, § 1.

That hereafter the expenses allowed by section thirteen hundred and twenty-nine of the Revised Statutes shall be paid as follows: each member of the Board of Visitors shall receive not exceeding eight cents per mile for each mile traveled by the most direct route from his residence to West Point and return, and shall in addition receive five dollars per day for expenses during each day of his service at West Point.

* * * * * * *

Appointment of civilians in Army as second lieutenants restricted.
1878, June 18, ch. 263, § 2.

SEC. 2. That appointments of civilians, except such as are regular graduates of the United States Military Academy who have been honorably discharged from the service, to be second lieutenants in any of the regiments of the Army, shall be made in time of peace only when more vacancies exist in the Army than will be required in the assignment of the next graduating class of cadets at the United States Military Academy:

Provided, Nothing herein shall prevent the appointment for a commission in the Army of meritorious non-commissioned officers or private soldiers.

Graduates of Academy after July 1, 1882, to be appointed second lieutenants to fill vacancies only, or discharged.
R. S., § 1213.
16 Opin. Att'y-Gen., 49.

SEC. 3. That from and after July first, eighteen hundred and eighty-two, only such number of the graduates of the United States Military Academy in any one year shall be entitled to appointment as second lieutenants in the Army as are required to fill vacancies of that grade existing on the first day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class.

And hereafter (1) no supernumerary officers shall be attached to any company or corps of the Army, and all graduates of the Military Academy who are not appointed to the Army under the provisions of this act shall be discharged upon the graduation of their class.

Cadets appointed at large not to exceed ten.
R. S., § 1315.

SEC. 4. That the cadets at large at the Military Academy shall not hereafter exceed ten in all, and no new appointments at large shall be made until the number of such cadets heretofore appointed falls below ten.

But this provision shall not be held to require the discharge of any cadet heretofore appointed [*June* 11, 1878.]

NOTE.—(1) The Attorney-General has advised that "hereafter" in this connection means thereafter, 16 Opin., 49.

CHAPTER 182.

AN ACT TO CHANGE THE TIME FOR HOLDING TERMS OF THE DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA AT DANVILLE.

June 11, 1878.
20 Stat. L., 111.

SECTION
1. District court in western district of Virginia; when to be held at Danville.
2. Repeal.

Be it enacted, &c.

[SECTION 1], (**Sup.**) [That the regular terms of the district court in the western district of Virginia, at Danville, shall be held on the Tuesday after the fourth Monday in February, and on the fifteenth day of November;

But if said last-mentioned day shall fall on Sunday, the term shall commence on the following day.]

District court in western district of Virginia; when to be held at Danville.
R. S., § 572.
Superseded by 1881, Feb. 14, ch. 45.

SEC. 2. So much of section five hundred and seventy-two of the Revised Statutes as conflicts with this act is hereby repealed. [*June* 11, 1878.]

Repeal.

CHAPTER 184.

AN ACT DESIGNATING THE TIMES FOR THE ELECTION OF REPRESENTATIVES TO THE FORTY-SIXTH AND SUCCEEDING CONGRESSES FROM THE STATE OF COLORADO.

June 11, 1878.
20 Stat. L., 112.

Congressional elections in Colorado to be on Tuesday next after the first Monday in November.

Be it enacted, &c., That the election of a Representative to the Forty-sixth Congress from the State of Colorado shall be held upon the day fixed by the constitution of said state for the election of its governor and other State officers in the year eighteen hundred and seventy-eight;

And Representatives from said State to all succeeding Congresses shall be elected upon the Tuesday next after the first Monday in November as now provided in section twenty-five of the Revised Statutes of the United States;

And all laws in conflict with this law are hereby repealed. [*June* 11, 1878.]

Congressional elections in Colorado to be on Tuesday next after first Monday in November.
R. S., § 25.
1875, March 3, ch. 130, § 6.

CHAPTER 188.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF INVALID AND OTHER PENSIONS OF THE UNITED STATES FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

June 14, 1878.
20 Stat. L., 112.

Par. 1. Fees of examining surgeons of pensioners.
Par. 2. Compensation of pension agents established.
Par. 3. Repeal.

Be it enacted, &c.

* * * * * * *

[*Par.* 1.] That a fee of one dollar and no more shall be paid to examining surgeon for each examination of pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid.

Fees of examining surgeons of pensioners.
R. S., §§ 4774–4777.
1879, Jan. 27, ch. 26.

* * * * * * *

[*Par.* 2.] That from and after July first, eighteen hundred and seventy-eight, agents for the payment of pensions shall, in lieu of the percentage, fees, pay, and allowances now provided by law, be allowed and paid the following compensation for their services, postage upon vouchers and checks sent to pensioners, and all the expenses of their offices:

Compensation of pension agents established.
R. S., §§ 4781, 4782.
1874, June 20, ch. 335.

1879, March 3, ch. 187.

First. A salary at the rate of four thousand dollars per annum.

Second. Fifteen dollars for each one hundred vouchers or at that rate for a fraction of one hundred prepared and paid by any agent in excess of four thousand vouchers per annum.

Third. Actual and necessary expenses for rent, fuel, and lights, and for postage on official matter directed to the departments and bureaus at Washington, to be approved by the Secretary of the Interior.

* * * * * * *

Repeal.

[*Par.* 3.] And all acts and parts of acts inconsistent with this act are hereby repealed. [*June* 14, 1878.]

CHAPTER 189.

June 14, 1878.

20 Stat. L., 113.

AN ACT FOR THE RELIEF OF SETTLERS ON THE PUBLIC LANDS UNDER THE PRE-EMPTION LAWS.

Settlers on public lands changing entries from pre-emption to homestead; when may perfect title.

Settlers on public lands changing entries from pre-emption to homestead; when may perfect title.
R. S., §§ 2259, 2291.
1877, March 3, ch. 123.
1878, May 27, ch. 140.

Be it enacted, &c., That any person who has made a settlement on the public lands under the pre-emption laws, and has subsequent to such settlement changed his filing in pursuance of law to that for a homestead entry upon the same tract of land shall be entitled subject to all the provisions of law relating to homesteads to have the time required to perfect his title under the homestead laws computed from the date of his original settlement heretofore made, or hereafter to be made, under the pre-emption laws. [*June* 14, 1878.]

CHAPTER 190.

June 14, 1878.

20 Stat. L., 113.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ENCOURAGE THE GROWTH OF TIMBER ON THE WESTERN PRAIRIES."

SECTION

1. Persons planting and protecting timber eight years, &c., on public land entitled to patent.
— but only a quarter section, and only one entry by same person.
2. Entries; how made.
Payments.
Parties required to break and plant certain number of acres.
— may have further time when cuttings are destroyed.
Patent, &c., not to issue until eight years.
Proceedings, in case of death of party, for benefit of heirs, &c.
3. Failing to cultivate and protect, or to comply with act, renders land subject to entry under homestead laws, &c.
4. Lands not liable to debts previously contracted.
5. Commissioner to make rules.
Fees of register and receiver.
6. Perjury; how punished.
7. Entries under former acts may be completed.
8. Repeal.

Be it enacted, &c.

Persons planting and protecting timber eight years, &c., on public land entitled to patent.
R. S., §§ 2317, 2464–2468.
1874, June 3, ch. 55.
1876, May 20, ch. 102.
1878, June 3, ch. 152.

That the act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on Western Prairies'", approved March thirteenth, eighteen hundred and seventy-four, be and the same is hereby amended so as to read as follows:

[SECTION 1], That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy, growing condition for eight years ten acres of timber, on any quarter-section of any of the public lands of the United States, or five acres on any legal subdivision of eighty acres, or two and one half acres on any legal subdivision of forty acres or less, shall be entitled to a patent for the whole of said quarter-section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses, and a full compliance of the further conditions as provided in section two:

Provided further, That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act. —but only a quarter-section, and only one entry by same person.

SEC 2. That the person applying for the benefits of this act shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit, before the register or the receiver, or the clerk of some court of record, or officer authorized to administer oaths in the district where the land is situated; which affidavit shall be as follows, to wit: Entries; how made. R. S., § 2465.

I, ——— ———, having filed my application, number —, for an entry under the provisions of an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies'" approved ——— —— 187–, do solemnly swear (or affirm) that I am the head of a family (or over twenty-one years of age), and a citizen of the United States (or have declared my intention to become such); that the section of land specified in my said application is composed exclusively of prairie lands, or other lands devoid of timber; that this filing and entry is made for the cultivation of timber, and for my own exclusive use and benefit; that I have made the said application in good faith, and not for the purpose of speculation, or directly or indirectly for the use or benefit of any other person or persons whomsoever; that I intend to hold and cultivate the land, and to fully comply with the provisions of this said act; and that I have not heretofore made an entry under this act, or the acts of which this is amendatory.

And upon filing said affidavit with said register and said receiver and on payment of ten dollars, if the tract applied for is more than eighty acres; and five dollars if it is eighty acres or less, he or she shall thereupon be permitted to enter the quantity of land specified; —payments.

And the party making an entry of a quarter-section under the provisions of this act shall be required to break or plow five acres covered thereby the first year, five acres the second year, and to cultivate to crop or otherwise the five acres broken or plowed the first year; the third year he or she shall cultivate to crop or otherwise the five acres broken the second year, and to plant in timber, seeds, or cuttings the five acres first broken or plowed, and to cultivate and put in crop or otherwise the remaining five acres, and the fourth year to plant in timber, seeds, or cuttings the remaining five acres. Parties required to break and plant certain number of acres.

All entries of less quantity than one quarter-section shall be plowed, planted, cultivated and planted to trees, tree-seeds, or cuttings, in the same manner and in the same proportion as hereinbefore provided for a quarter-section.

Provided, however, That in case such trees, seeds, or cuttings shall be destroyed by grasshoppers, or by extreme and unusual drouth, for any year or term of years, the time for planting such trees, seeds, or cuttings shall be extended one year for every such year that they are so destroyed: —may have further time when cuttings are destroyed. 1876, May 20, ch. 102.

Provided further, That the person making such entry shall, before he or she shall be entitled to such extension of time, file with the register and the receiver of the proper land-office an affidavit, corroborated by two witnesses, setting forth the destruction of such trees, and that, in consequence of such destruction, he or she is compelled to ask an extension of time, in accordance with the provisions of this act: 1879, July 1, ch. 63.

And provided further, That no final certificate shall be given, or patent issued, for the land so entered until the expiration of eight years from the date of such entry; Patent, &c., not to issue until eight years.

And if, at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses that he or she or they have planted, and, for not less than eight years, have cultivated and protected such quantity and character of trees as aforesaid; that not less than twenty-seven hundred trees were planted on each acre and that at the time of making such proof that there shall be then growing at least six hundred and seventy-five living and thrifty trees to each acre, they shall receive a patent for such tract of land. Proceedings in case of death of party for benefit of heirs, &c.

Failing to cultivate and protect, or to comply with act, renders land subject to entry under homestead laws, &c.

SEC 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall fail to comply with any of the requirements of this act, then and in that event such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act.

Provided, That the party making claim to said land, either as a homestead-settler, or under this act, shall give at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office; and the rights of the parties shall be determined as in other contested cases.

Lands not liable to debts previously contracted.
R. S., § 2468.

SEC 4. That no land acquired under the provisions of this act shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of the final certificate therefor.

Commissioner to make rules.
R. S., § 453.

SEC 5. That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect;

Fees of registers and receivers.
R. S., § 2238.

And that the registers and receivers of the several land-offices shall each be entitled to receive two dollars at the time of entry, and the like sum when the claim is finally established and the final certificate issued.

Perjury; how punished.
1857, ch. 116, § 5 (12 Stat. L., 250).
R. S., § 5392.

SEC 6. That the fifth section(1) of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes", approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

Entries under former acts may be completed.
R. S., §§ 2317, 2464–2468.
1873, ch. 277 (17 Stat. L., 277).
1874, March 13, ch. 55.

SEC 7. That parties who have already made entries under the acts approved March third, eighteen hundred and seventy-three,(2) and March thirteenth, eighteen hundred and seventy-four, of which this is amendatory shall be permitted to complete the same upon full compliance with the provisions of this act; that is, they shall, at the time of making their final proof, have had under cultivation, as required by this act, an amount of timber sufficient to make the number of acres required by this act.

Repeal.

SEC 8. All acts and parts of acts in conflict with this act are hereby repealed. [*June* 14, 1878.]

NOTES.—(1) The section here referred to, 1857, ch. 116, § 5 (11 Stat. L., 250), appears not to have been incorporated into Revised Statutes, but R. S., § 5392, may perhaps cover all the cases to which this omitted section applied.
(2) The act of 1873, ch. 277, is incorporated into the Revised Statutes in the sections noted in the margin

CHAPTER 191.

June 14, 1878.
20 Stat. L., 130.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, AND PRIOR YEARS, AND FOR THOSE HERETOFORE TREATED AS PERMANENT, FOR REAPPROPRIATIONS, AND FOR OTHER PURPOSES.

SECTION
4. Secretary of Treasury not to report estimate for reappropriations.
Accounting officers to examine claims under certain exhausted appropriations, &c.
SECTION
4. Amounts found due to be reported to Congress.
Accounts not to be reopened, except, &c.

Be it enacted, &c.

* * * * * * *

Secretary of Treasury not to report estimate for reappropriations.
1874, June 20, ch. 328, § 5.

SEC. 4. That so much of section five of the act approved June twentieth, eighteen hundred and seventy-four, as directs the Secretary of the Treasury at the beginning of each session to report to Congress with his annual estimates any balances of appropriations for specific objects affected by said section that may need to be reappropriated, be, and hereby is, repealed.

Accounting officers to examine claims under certain exhausted, &c., appropriations, &c.

And it shall be the duty of the several accounting-officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of said section that may be brought before them within a period of five years.

And the Secretary of the Treasury shall report the amount due each claimant, at the commencement of each session, to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration:

Amounts found due to be reported to Congress. R. S., § 3669.

Provided, That nothing in this act shall be construed to authorize the re-examination and payment of any claim or account which has been once examined and rejected, unless reopened in accordance with existing law. [*June* 14, 1878.]

Accounts not to be reopened, except, &c.

CHAPTER 193.

AN ACT TO AMEND SECTION FORTY-ONE HUNDRED AND TWENTY-SEVEN OF THE REVISED STATUTES, OF THE UNITED STATES, IN RELATION TO THE JUDICIAL POWERS AND FUNCTIONS OF CONSULS.

June 14, 1878.
20 Stat. L., 131.

Foreign relations; laws extended to Tripoli, Tunis, Morocco, Muscat, and Navigator Islands.
Consuls therein invested with certain judicial powers.
Laws extended to other countries with which like treaties shall be hereafter made.

Be it enacted, &c., That section forty-one hundred and twenty-seven of the Revised Statutes of the United States be, and the same is hereby, amended so that it shall hereafter read as follows:

Foreign relations; laws extended to Tripoli, Tunis, Morocco, Muscat, and Navigator Islands. Substitute for R. S., § 4127.

SEC 4127. The provisions of this title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, Muscat, and the Samoan or Navigator Islands, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties and of the provisions of this title by the consuls appointed by the United States to reside therein, who are hereby ex officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section four thousand and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

Consuls therein invested with certain judicial powers. R. S., §§ 4083, 4127.

And whenever the United States shall negotiate a treaty with any foreign government, in which the American consul-general or consul shall be clothed with judicial authority, and securing the right of trial to American citizens residing therein before such consul-general or consul, and containing provisions similar to or like those contained in the treaties with the governments named in this act, then said title, so far as the same may be applicable, shall have full force in reference to said treaty, and shall extend to the country of the government negotiating the same. [*June* 14, 1878.]

Laws extended to other countries with which like treaties may be hereafter made, &c. 1874, March 23, ch. 62.

CHAPTER 194.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO MAKE AND ENFORCE REGULATIONS RELATIVE TO THE SALE OF COAL, AND ALSO BUILDING REGULATIONS.

June 14, 1878.
20 Stat. L., 131.

SECTION
1. Commissioners to make regulations for sale of coal in District of Columbia.
SECTION
— and building regulations.
2. Effect of regulations.

Be it enacted, &c.

Commissioners to make regulations relative to sale of coal in District of Columbia. R. S., §§ 3711-3713.

[SECTION 1], That the Commissioners of the District of Columbia be, and they hereby are, authorized and directed to make and enforce such rules and regulations relative to the sale of coal in the District of Columbia as shall insure full weight to purchasers of coal;

—and building regulations. Also, such building regulations for the said District as they may deem advisable.

Effect of regulations. SEC. 2. That such rules and regulations made as above provided shall have the same force and effect within the District of Columbia as if enacted by Congress. [*June* 14, 1878.]

CHAPTER 196.

June 14, 1878. AN ACT TO PROVIDE FOR THE APPOINTMENT OF A DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, AND FOR OTHER PURPOSES.

20 Stat. L., 132.

SECTION
1. District judge for western district of Tennessee to be appointed.
2. —salary and powers.
3. Judge for middle and eastern district.
4. Repeal.

Be it enacted, &c.

District judge for western district of Tennessee to be appointed. R. S., §§ 547, 552. 1878, June 20, ch. 359, § 1, par. 17. [SECTION 1], That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a district judge for the western district of Tennessee, who shall, from and after the time of his appointment, hold the terms of the United States district court in said district at the times and places required by law.

—salary and powers. R. S., § 554. SEC. 2. Said district judge shall be paid the same salary and in the same manner as the judge of the middle and eastern districts of Tennessee, and shall exercise all the circuit and district court power and jurisdiction now conferred on said judge and said court.

Judge for eastern and middle districts. SEC. 3. The present district judge of said State shall be and remain the district judge of the United States for the middle and eastern districts thereof, as if originally appointed thereto.

Repeal. SEC. 4. That all laws or parts of laws in conflict with this act be, and the same are hereby repealed. [*June* 14, 1878.]

CHAPTER 211.

June 15, 1878. AN ACT TO RESTORE CERTAIN LANDS IN IOWA TO SETTLEMENT UNDER THE HOMESTEAD LAW, AND FOR OTHER PURPOSES.

20 Stat. L., 133.

SECTION
1. Lands withdrawn for Mississippi and Missouri Railroad restored to settlement under homestead and pre-emption laws.
Settlers on; provisions for.
2. Not to include certain lands.

Be it enacted, &c.

Lands withdrawn for Mississippi and Missouri Railroad restored to settlement under homestead and pre-emption laws. 1856, ch. 28 (11 Stat. L., 9). 1864, ch. 103 (13 Stat. L., 95). [SECTION 1], That the Secretary of the Interior be, and he is hereby, directed to restore to settlement under the pre-emption and homestead law, by published notice, all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad, in the State of Iowa, situated more than twenty miles from the amended line of route as located under the act approved June second eighteen hundred and sixty-four, entitled "An act to amend an act making a grant of land to the State of Iowa in alternate sections to aid in the construction of certain railroads in said State", approved May fifteenth, eighteen hundred and fifty-six:

—settlers on; provisions for. *Provided*, That all actual settlers now residing on said lands shall be permitted to enter not exceeding one hundred and sixty acres for each head of a family or single man over twenty-one years of age, embracing improvements, in preference to any other person, on making proof of such settlement in accordance with rules to be prescribed by the Secretary of the Interior:

And provided further, That all actual settlers now residing upon the lands hereinbefore mentioned shall be permitted to make the final proof now required by law, and receive their patents at the expiration of five years from the date of their actual settlement.

SEC. 2. That this act shall not include any lands embraced in the confirmatory act approved January thirty-first, eighteen hundred and seventy-three, entitled "An act to quiet title to certain lands in the State of Iowa." [*June* 15, 1878.]

Not to include certain lands. 1873, ch. 83 (17 Stat. L., 421).

CHAPTER 213.

AN ACT FOR THE PRESERVATION OF GAME AND PROTECTION OF BIRDS IN THE DISTRICT OF COLUMBIA.

June 15, 1878.
20 Stat. L., 134.

SECTION
1. Penalties for killing, exposing for sale, &c., at certain periods in District of Columbia, of—
— quail.
2. — pheasant.
3. — woodcock.
4. — prairie-chicken.
5. — snipe or plover.
6. — ducks, geese, and brandt.
7. — water-rails, reed-birds, and ortolan.
8. — venison.
9. Certain birds not to be killed, &c., at any time.
10. Robbing, &c., wild birds' nests.
11. Trapping wild birds.
12. Killing wild ducks, &c., with certain guns prohibited.
13. — birds at night.
14. Birds for scientific purposes may be killed, &c.
15. Trespassing on another's lands in hunting.
16. Notice to trespassers. Destroying sign-boards.
17. Shooting or carrying gun on Sunday.
18. Repeal.

Be it enacted, &c.

[SECTION 1], That no person shall kill or expose for sale, or have in either his or her possession, either dead or alive, any partridge otherwise quail, between the first day of February and the first day of November, under a penalty of five dollars for each bird so killed or in possession.

Penalties for killing at certain periods in District of Columbia of— Quail.

SEC. 2. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any pheasant, otherwise ruffed grouse, between the first day of February and the first day of August, under a penalty of five dollars for each bird so killed or in possession.

Pheasant.

SEC. 3. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any woodcock, between the first day of February and the first day of July, under a penalty of five dollars for each bird so killed or in possession.

Woodcock.

SEC. 4. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any prairie-chicken, otherwise pinnated grouse, between the first day of February and the first day of September under a penalty of five dollars for each bird so killed or in possession.

Prairie-chicken.

SEC. 5. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any snipe, or plover, between the first day of May and the first day of September, under a penalty of five dollars for each bird so killed or in possession

Snipe, or plover.

SEC. 6. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any wild duck, wild goose, or wild brandt, between the first day of April and the first day of September, under a penalty of five dollars for each bird so killed *on* [or] in possession.

Ducks, geese, and brandt.

SEC. 7. That no person shall kill or expose for sale, or have in his or her possession, either dead or alive, any water-rail, or ortolan, or reed-bird, or rice-bird, between the first day of February and the first day of September, under a penalty of two dollars for each bird so killed or in possession.

Water-rails, reed-birds, and ortolan.

SEC. 8. That no person shall expose for sale or have in his or her possession, any deer-meat, or venison, between the first day of January and the fifteenth day of August, under a penalty of twenty cents for each and every pound of deer-meat so exposed for sale or had in possession.

Venison.

Certain birds not to be killed at any time.

SEC. 9. That no person shall kill or expose for sale, or have in his or her possession, dead, at any time any turkey-buzzard, wren, sparrow, blue-bird, humming-bird, blue jay, robin or migratory thrush, wood or song robin, martin, mocking-bird, swallow, oriole, red or cardinal bird, cat-bird, pewit, whip-poor-will, gold-finch, sap-sucker, hanging-bird, wood-pecker, crow black-bird, or any other insectivorous bird, save as herein provided, under a penalty of two dollars for each bird killed or in possesssion dead.

Robbing, &c., wild birds' nests.

SEC. 10. That no person shall rob the nest of any wild bird of eggs or young, or destroy such nest, unless in the necessary prosecution of farming business, under a penalty of two dollars for each egg or bird so taken, and under a penalty of five dollars for each nest destroyed.

Trapping wild birds.

SEC. 11. That no person shall trap, net, or ensnare any wild bird or water-fowl, or have in possession any trap, net, or snare, with the intent to capture or kill any wild bird or water-fowl, under a penalty of five dollars for every bird or water-fowl so trapped, netted, or ensnared, and under a further penalty of twenty dollars for having in possession any such net, trap, or snare; and such net, trap, or snare shall be forfeited and destroyed

Killing wild ducks, &c., with certain guns prohibited.

SEC. 12. That no person shall at any time kill or shoot at any wild duck, wild goose, or wild brandt with any other gun than such as are habitually raised at arm's length and fired from the shoulder, under a penalty of five dollars for each and every wild fowl so killed, and under the further penalty of twenty-five dollars for firing such gun at any wild fowl as aforesaid, or having said gun in possession.

— birds at night.

SEC. 13. That no person shall kill or shoot at any bird or wild fowl in the night-time, under a penalty of twenty-five dollars for every bird or wild fowl so killed, and under the further penalty of ten dollars for shooting at any bird or wild fowl in the night-time as aforesaid.

— birds for scientific purposes.

SEC. 14. That persons in killing birds for scientific purposes, or in possession of them for breeding, shall be exempt from the operations of this act by proving affirmatively such purposes; and the possession shall in all cases be presumptive evidence of unlawful purpose.

Trespassing on another's lands in hunting.

SEC. 15. That any person who shall knowingly trespass on the lands of another for the purpose of shooting or hunting thereon, after due notice, or notice as provided for in the following section, by the owner or occupant of lands, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding one hundred dollars, and shall also be liable to a fine of ten dollars for each and every trespass so committed.

The possession of implements of shooting on such lands shall be presumptive evidence of the trespass.

Notice to trespassers.

SEC. 16. That the notice referred to in the preceding section shall be given by erecting and maintaining sign-boards at least eight by twelve inches in dimension, on the borders of the premises, and at least two such signs for every fifty acres;

Destroying sign-boards, &c.

And any person who shall maliciously tear down or in any [*any*] manner deface or injure any of such sign-boards shall be liable to a penalty of not less than five dollars nor more than twenty-five dollars for each and every sign-board so torn down, defaced or injured.

Shooting or carrying gun on Sunday.

SEC. 17. That there shall be no shooting, or having in possession in the open air the implements for shooting, on the first day of the week, called Sunday;

And any person violating the provisions of this section shall be liable to a penalty of not more than twenty-five dollars nor less than ten dollars for each offense.

Repeal.

SEC. 18. That all acts or parts of acts now in force in the District of Columbia, inconsistent with the provisions of this act be, and the same are hereby, repealed. [*June* 15, 1878.]

CHAPTER 215.

AN ACT TO REGULATE THE PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

June 15, 1878.

20 Stat. L., 137.

SECTION

1. In District of Columbia, unregistered persons not to conduct pharmacies.
2. Proprietors of stores, &c., not to allow unregistered pharmacists to compound, &c.
3. Commissioners of pharmacy to be appointed.
— to take oath.
— vacancies; how filled.
4. — to keep register of pharmacists, &c.
— to register existing druggists, &c., without examination.
5. — to examine applicants and register such as are found competent.
6. Age and previous service, &c., of applicants.
7. Graduates in pharmacy may be registered.
8. Registry fees.
Re-examination.
Application of fees.
9. Responsibility of pharmacists for adulterations.
10. Certain poisons not to be retailed without affixing certain labels.
— nor without making inquiry, &c.
Entry of sales to be made in book always open for inspection.
Restrictions not applicable to medical preparations, &c.
Druggists not to sell or give away liquors as beverages, &c.
11. Itinerant venders of drugs, nostrums, &c., to pay license fee.
12. Penalty for false representations.
— for conducting pharmacy without registry.
13. Fines, &c., how prosecuted for by United States Attorney.
14. Repeal.

Be it enacted, &c.

In District of Columbia, unregistered persons not to conduct pharmacies.

[SECTION 1], That from and after the passage of this act, it shall be unlawful for any person, not a registered pharmacist within the meaning of this act, to conduct any pharmacy or store for the purpose of retailing, compounding, or dispensing medicines or poisons, for medical use, in the District of Columbia, except as hereinafter provided.

Proprietors of stores, &c., not to allow unregistered pharmacists to compound, &c.

SEC. 2. That it shall be unlawful for the proprietor of any store or pharmacy to allow any person, except a registered pharmacist, to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to, and under the immediate supervision of, a registered pharmacist.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every such offense.

Commissioners of pharmacy to be appointed.

SEC. 3. That immediately after the passage of this act, and biennially thereafter, or as often as necessary, the Commissioners of the District of Columbia shall appoint three pharmacists and two physicians, all of whom shall have been residents of the District of Columbia for five years and of at least five years' practical experience in their respective professions, who shall be known and styled as Commissioners of Pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified.

—to take oath.

Said commissioners shall, within thirty days after the notification of their appointment, each take and subscribe to an oath to impartially and faithfully discharge their duties as prescribed by this act.

—vacancies; how filled, &c.

The position of any commissioner who shall fail to so qualify within the time named shall be vacant, and the vacancy or vacancies so occurring, or any vacancy or vacancies that may occur, shall be filled by the Commissioners of the District of Columbia.

—to keep register of pharmacists, &c.

SEC. 4. That the commissioners of pharmacy shall keep a book of registration open at some convenient place within the city of Washington, of which due notice shall be given through the public press, and shall record therein the name and place of business of every person registered under this act.

—to register existing druggists, &c., without examination.

It shall be the duty of said commissioners of pharmacy to register, without examination, as registered pharmacists, all pharmacists and druggists who are engaged in business in the District of Columbia at the passage of this act as owners or principals of stores of pharmacies for selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding and dispensing physicians' prescriptions, and all assistant pharmacists, twenty-one years of age, engaged in said stores or pharmacies in the District of Columbia at the passage of this act, and who have been engaged as such in some

store or pharmacy where physicians, prescriptions were compounded and dispensed for not less than five years prior to the passage of this act:

Provided, however, That in case of failure or neglect on the part of any such person or persons to present themselves for registration within sixty days after said public notice, they shall undergo an examination such as is provided for in section five of this act.

Commissioners of pharmacy to examine applicants and register such as are found competent.

SEC. 5. That the said commissioners of pharmacy shall, upon application and at such time and place as they may determine, examine each and every person who shall desire to conduct the business of selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or compounding and dispensing physicians' prescriptions within the District of Columbia as pharmacists;

And if a majority of said commissioners shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person as a registered pharmacist in the book provided for in section four of this act.

Age and previous service, &c., of applicants.

SEC. 6. That no person shall be entitled to an examination by said commissioners of pharmacy for registration as pharmacist unless he present satisfactory evidence of being twenty-one years of age, and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed, or is a graduate of some respectable medical college or university.

Graduates in pharmacy may be registered.

SEC. 7. That all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

Registry fees.

SEC. 8. That the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacists, without examination, the sum of three dollars, and from each person whom they examine the sum of ten dollars.

Re-examination.

And in case the examination of said person should prove defective and unsatisfactory, and his name not be registered, he shall be permitted to present himself for re examination within any period not exceeding twelve months next thereafter, and no charge shall be made for such re-examination.

Application of fees.

The money received under the provisions of this section shall be applied to payment of such expenses as the commissioners may incur in executing the provisions of this act.

Responsibility of pharmacists for adulterations, &c.

SEC. 9. Every registered pharmacist shall be held responsible for the quality of all drugs, chemicals, and medicines he may sell or dispense, with the exception of those sold in the original packages of the manufacturer, and also those known as "patent medicines";

And should he knowingly, intentionally, and fraudulently adulterate, or cause to be adulterated, such drugs, chemicals, or medical preparations, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty not exceeding one hundred dollars, and, in addition thereto, his name shall be stricken from the register.

Certain poisons not to be retailed without affixing labels.

SEC. 10. It shall be unlawful for any person, from and after the passage of this act, to retail any poisons enumerated in Schedules A and B, as follows, to wit:

SCHEDULE A.

Arsenic and its preparations,
Corrosive sublimate,
White precipitate,
Red precipitate,
Biniodide of mercury,
Cyanide of potassium,
Hydrocyanic acid,
Strychnia and all other poisonous vegetable alkaloids, and their salts,
Essential oil of bitter almonds,

Opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce;

SCHEDULE B.

Aconite,
Belladonna,
Colchicum,
Conium,
Nux vomica,
Henbane,
Savin,
Ergot,
Cotton-root,
Cantharides,
Creosote,
Digitalis, and their pharmaceutical preparations,
Croton-oil,
Chloroform,
Chloral hydrate,
Sulphate of zinc,
Mineral acids,
Carbolic acid, and
Oxalic acid,

Without distinctly labeling the box, vessel, or paper in which the said poison is contained, and also the outside wrapper or cover, with the name of the article, the word "poison", and the name and place of business of the seller.

Sales not to be made without making inquiry, &c.

Nor shall it be lawful for any person to sell or deliver any poisons enumerated in Schedules A and B, unless, upon due inquiry, it be found that the purchaser is aware of its poisonous character, and represents that it is to be used for a legitimate purpose.

Entry of sales to be made in books always open to inspection.

Nor shall it be lawful for any registered pharmacist to sell any poisons included in Schedule A without, before delivering the same to the purchaser, causing an entry to be made, in a book kept for that purpose, stating the date of sale, the name and address of the purchaser, the name and quality of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser; such book to be always open for inspection by the proper authorities, and to be preserved for reference for at least five years.

Restrictions not to apply to medical prescriptions, &c.

The provisions of this section shall not apply to the dispensing of poisons, in not unusual quantities or doses, upon the prescriptions of practitioners of medicine.

Druggists not to sell or give away alcoholic liquors as beverages, &c.

Nor shall it be lawful for any licensed or registered druggist or pharmacist in the District of Columbia to retail, or sell, or give away any alcoholic liquors or compounds, as a beverage, to be drunk or consumed upon the premises.

And any violation of the provisions of this section shall make the owner or principal of said store or pharmacy liable to a fine of not less than twenty-five and not more than one hundred dollars, to be collected in the usual manner.

Itinerant venders of drugs, nostrums, &c., to pay license fee.

SEC. 11. Any itinerant vender of any drug, nostrum, ointment, or appliance of any kind, intended for the treatment of diseases or injury, or who shall, by writing, or printing, or any other method, publicly profess to care or treat diseases, injury, or deformity, by any drug, nostrum, manipulation, or other expedient, shall pay a license of two hundred dollars per annum into the treasury of the District of Columbia, to be collected in the usual way.

Penalty for false representations.

SEC. 12. That any person who shall procure or attempt to procure registration for himself or for another under this act, by making or causing to be made any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register.

—for conducting pharmacy without registry.

Any person, not a registered pharmacist as provided for in this act, who shall conduct a store, pharmacy, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals, for medicinal use, or for compounding or dispensing physicians' prescriptions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than fifty dollars.

Fines, &c.; how prosecuted for by United States attorney.

SEC. 13. That all fines and penalties under this act shall be collected in the same manner that other fines and penalties are collected in the District of Columbia; and it shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of this act.

Repeal.

SEC. 14. That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed. [*June* 15, 1878.]

CHAPTER 259.

June 17, 1878.
20 Stat. L., 140.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST-OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

SECTION

1. *Par.* 1. Special agents of Post-Office Department and assistant superintendents of railway mail service; their number and compensation.
Par. 2. Post-route maps may be sold at cost.
Par. 3. Compensation of postmasters of fourth class.
— when exceeding $1,000, salary to be adjusted.
— limit of.
Commission to be withheld, &c., when postmasters make false returns.
Form of affidavit to returns by postmasters, and penalty for false returns, &c.
Postmasters and others in postal service restricted as to sale of stamps, cards, and envelopes.
Penalty.
1. *Par.* 4. One agent only to superintend postal railway service; his salary.
Reduction of railway compensation for transporting mails.
2. Disbursement of money for post-route maps to be by bonded officer.
Topographer's office; pay-rolls of, how made out and paid.
— expenditures for post-route maps; how vouched for.
— disbursements of; to what appropriation charged.
3. Repeal.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

Special agents of Post-Office Department and assistant superintendents of railway mail service; their number and compensation.
R. S., §§ 4017, 4020.
1880, June 11, ch. 206, § 1, par. 1.

[*Par.* 1.] That hereafter the per diem pay of all special agents appointed under section forty hundred and seventeen, Revised Statutes, shall only be allowed for their actual and necessary expenses not exceeding five dollars per diem when they are actually engaged in traveling on the business of the department except such, not exceeding ten in number, as are appointed by the Postmaster-General to do duty at such important points as he may designate, and nine assistant superintendents of railway mail service, who may be detailed to act as superintendents of division of railway mail service, who shall each receive a salary of two thousand five hundred dollars, per annum and no more:

* * * * * * *

Post-route maps may be sold at cost.
1879, March 3, ch. 180, § 1, par. 3.

[*Par.* 2.] For the preparation and publication of post-route maps * * ; and the Postmaster-General may authorize the publication and sale of said maps to individuals at the cost thereof, the proceeds of said sales to be applied as a further appropriation for said purpose. * *

Compensation of postmasters of fourth class.
R. S., §§ 3852–3860.
1876, July 12, ch. 179, § 8.

[*Par.* 3.] That the compensation of postmasters of the fourth class shall be the whole of the box-rents collected at their offices and commissions on unpaid letter-postage collected, on amounts received from waste-paper, dead newspapers, printed matter, and twine sold, and on postage-stamps, stamped envelopes, postal cards, and newspaper and periodical stamps canceled as postages on matter actually mailed at their offices, at the following rate, namely:

On the first one hundred dollars or less per quarter, sixty per centum;

On all over one hundred dollars and not over three hundred dollars per quarter, fifty per centum;

And on all over three hundred dollars per quarter, forty per centum;

The same to be ascertained and allowed by the Auditor in the settlement of the accounts of such postmasters, upon their sworn quarterly returns:

Provided, That when the compensation of any postmaster of this class shall reach one thousand dollars per annum, exclusive of commissions on money-order business, and when the returns to the Auditor for four quarters shall show him to be entitled to a compensation in excess of that amount under section seven of the act of July twelfth, eighteen hundred and seventy six, the Auditor shall report such fact to the Postmaster-General, who shall assign him to his proper class, and fix his salary as provided by said section:

—when exceeding $1,000, salary to be adjusted.

Provided further, That in no case shall there be allowed to any postmaster of this class a compensation greater than two hundred and fifty dollars in any one quarter, exclusive of money-order commissions.

—limit of.

That in any case where the Postmaster-General shall be satisfied that a postmaster has made a false return of business, it shall be within his discretion to withhold commissions on such returns, and to allow any compensation that under the circumstances he may deem reasonable:

Commissions to be withheld, &c., when postmasters make false returns. R. S., § 3855.

Provided, That the form of affidavit to be made by postmasters upon their returns shall be such as may be prescribed by the Postmaster-General; and any postmaster who shall make a false return to the Auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court;

Form of affidavit to returns by postmasters, and penalty for false returns, &c. R. S., § 3855.

And no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage-stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage-stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage-stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department;

Postmasters and others in postal service restricted as to sale of stamps, cards, and envelopes. R. S., §§ 3918–3920. 1879, March 3, ch. 180, § 26.

And any postmaster, or other person connected with the postal service, who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, or be imprisoned for a term not exceeding one year.

Penalty.

* * * * * * *

[*Par.* 4.] That hereafter the Postmaster-General may appoint one agent only to superintend the postal railway service, who shall be paid, out of the appropriation for the transportation of the mail on railways, a salary at the rate of three thousand five hundred dollars a year, and no allowances for traveling or incidental expenses;

One agent only to superintend postal railway service; his salary. R. S., § 4020. 1880, June 11, ch. 206, § 1, par. 1.

And provided further, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation to be paid from and after the first day of July, eighteen hundred and seventy-eight, for transportation of mails on railroad routes by reducing the compensation to all railroad companies for the transportation of mails five per centum per annum from the rates for the transportation of mails, on the basis of the average weight fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July twelfth, eighteen hundred and seventy-six.

Reduction of railway compensation for transporting mails. R. S., § 4002. 1875, March 31, ch. 128, par. 2. 1876, July 12, ch. 179, § 1. 1879, March 3, ch. 180, §§ 5, 6. 1880, July 11, ch. 206. 1881, March 1, ch. 96, § 1, par. 2. 16 Opin. Att'y-Gen., 196.

* * * * * * *

SEC. 2. * * *

Disbursement of money for post-route maps to be by bonded officer.

That the disbursements of the moneys appropriated for the preparation and publication of post-route maps be made by a regular bonded disbursing-officer of the Post-Office Department, according to the laws, rules, and customs as recognized by the accounting-officers of the Treasury Department:

Topographer's office; pay-rolls of, how made out and paid.

And provided also, That the pay-rolls of the draughtsmen, clerks, messengers, and other employees of the topographer's office, shall be regularly made out by the chief of the topographer's office, examined and checked by the appointment-clerk of the Post-Office Department, and the payments thereof made by a bonded disbursing-officer of the Post-Office Department:

—expenditures for post-route maps; how vouched for.

And also provided further, That all expenditures made by the chief of the topographer's office for the preparation and publication of post-route maps shall be accounted for by vouchers, accompanied by affidavit, and the moneys therefor shall be disbursed by a disbursing-officer of the Post-Office Department;

—disbursements of, to what appropriation charged.

And all of the above disbursements shall be paid out of the appropriation for the preparation and publication of post-route maps.

Repeal.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed. [*June* 17, 1878.]

CHAPTER 260.

June 17, 1878.

20 Stat. L., 143.

AN ACT REGULATING THE APPOINTMENT OF CADET-MIDSHIPMEN AND CADET-ENGINEERS IN THE NAVAL ACADEMY, AND FOR OTHER PURPOSES.

Cadet-midshipmen; number and appointment of. Officers in Navy may be advanced for eminent conduct in battle.

Rank not to be changed except by advice of Senate, &c.

Cadet-midshipmen; number and appointment of. Substitute for R. S., § 1513.

Be it enacted, &c., That section fifteen hundred and thirteen of the Revised Statutes shall hereafter read as follows:

"SEC. 1513. There shall be allowed in said academy one cadet-midshipman for every member or delegate of the House of Representatives, one for the District of Columbia, and ten appointed at large:

Provided, however, That there shall not be at any time more in said academy appointed at large than ten;

But the provisions of this section shall not be construed to apply to cadet-midshipmen appointed at large now in said academy."

Section fifteen hundred and six is hereby amended so as to read as follows:

Officers in Navy may be advanced for eminent conduct in battle.

"SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism;

Rank not to be changed except by advice of Senate, &c. R. S., § 1506.

And the rank of officers shall not be changed except in accordance with the provisions of existing law, and by and with the advice and consent of the Senate." [*June* 17, 1878.]

CHAPTER 261.

June 17, 1878.

20 Stat. L., 144.

AN ACT TO INCREASE THE PENSION OF CERTAIN PENSIONED SOLDIERS AND SAILORS WHO HAVE LOST BOTH THEIR HANDS OR BOTH THEIR FEET OR THE SIGHT OF BOTH EYES IN THE SERVICE OF THE COUNTRY.

Pension for loss of both hands, feet, or eyes increased.

Whereas, it is apparent that the present pension paid to soldiers and sailors who have lost both their hands or both their feet in the service of the country is greatly inadequate to the support of such as have families: Therefore,

Be it enacted, &c., That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy two dollars per month [*June* 17, 1878.]

Pension for loss of both hands, feet, or eyes increased.
R. S., §§ 4697, 4698.
1877, Feb. 28, ch. 73.
1879, March 3, ch. 200.

CHAPTER 263.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

June 18, 1878.
20 Stat. L., 145.

SECTION
1. Signal Service to be maintained with force of 450 men.
2. Army Register; how to specify lineal rank of officers and military service.
3. Second lieutenants; who may be appointed as, &c.
4. Non-commissioned officers; how promoted.
Board of examination.
Recommendation for promotion, &c., in staff corps.
5. Women not to accompany troops as laundresses, except, &c.
6. Military headquarters; where to be established.
7. In computing service for longevity pay, time of service as volunteers, &c., included.
Retired list limited to 400.
8. Allowance of or for fuel to officers of Army prohibited, but fuel may be sold to them for use.
Forage in kind may be furnished for horses owned and kept by officers, &c.
9. Quarters in kind; where may be furnished.
— when may be commuted, and at what rate.
13. Promotion in Army to cease till January, 1879.
15. Army not to be used as a *posse comitatus*, except as expressly authorized by Constitution and laws.
Punishment for violation of section.
16. Repeal.

Be it enacted, &c. [SECTION 1.]

* * * * * * * *

Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained as now organized and as provided by law, with a force of enlisted men not exceeding four hundred and fifty, after present terms of enlistment have expired. * * * * * * * *

1878, June 20, ch. 359, § 1, par. 8.

Signal Service to be maintained with 450 men.
R. S., § 1196.
1876, July 24, ch. 226, § 1.
1879, June 23, ch. 35.

SEC. 2. That in every Official Army Register hereafter issued, the lineal rank of all officers of the line of the Army shall be given separately for the different arms of the service;

And if the officer be promoted from the ranks, or shall have served in the volunteer army, either as an enlisted man or officer, his service as a private and non-commissioned officer shall be given, and in addition thereto the record of his service as volunteer.

Army Register; how to specify lineal rank of officers and military service.

SEC. 3. That hereafter all vacancies in the grade of second lieutenant shall be filled by appointment from the graduates of the Military Academy so long as any such remain in service unassigned;

And any vacancies thereafter remaining shall be filled by promotion of meritorious non-commissioned officers of the Army, recommended under the provisions of the next section of this act:

Provided that all vacancies remaining, after exhausting the two classes named, may be filled by appointment of persons in civil life.

Second lieutenants; who may be appointed as, &c.
R. S., § 1213.
1878, June 11, ch. 181, § 2.

SEC. 4. That to insure the selection of proper candidates for promotion from the grade of non-commissioned officers, company and battery commanders will report to their regimental commanders such as, in their opinion, by education, conduct, and services, seem to merit advancement, and who have served not less than two years in the Army; the reports to set forth a description of the candidate, his length of service as non-commissioned officer and as private soldier, his character as to fidelity and sobriety, his physical qualifications and mental abilities, the extent to which his talents have been cultivated, and his fitness generally to discharge the duties of a commissioned officer.

Non-commissioned officers; how promoted.

If recommended on account of meritorious services, the particular services referred to must be stated in detail.

On receiving the reports of company or battery commanders, the regimental commander will forward the same to the department commanders, with such recommendation of non-commissioned regimental staff as he may deem worthy of promotion; and the department commander shall annually assemble a board to consist of five officers of as high rank as the convenience of the service will admit, to make a preliminary examination into the claims and qualifications of such non-commissioned officers.

Board of examination.

The board, constituted as above shall submit a full statement in the case of each candidate examined; and on the said statements, the department commander shall indorse his remarks and forward them to the Secretary of War by the first day of June in each year.

Recommendation, &c., for promotion in staff corps.

The Chief of Engineers and of other staff corps may make similar recommendations of the non-commissioned officers of their respective commands to the Secretary of War, who shall convene a board of officers for like purpose.

Women not to accompany troops as laundresses, except, &c.

SEC. 5. That hereafter women shall not be allowed to accompany troops as laundresses:

Provided, That any such laundress, being the wife of a soldier as is now allowed to accompany troops, may, in the discretion of the regimental commander, be retained until the expiration of such soldiers present term of enlistment.

Military headquarters; where to be established. *Repealed* 1879, June 23, ch. 35, § 8.

SEC. 6. (**Rep.**) [That hereafter, in time of peace, all military headquarters, except Army headquarters, shall be established and maintained at points where the government own buildings or barracks, within the several departments and divisions, and in such buildings or barracks, and not otherwise, unless the Secretary of War shall by an order in writing otherwise direct.]

In computing service for longevity pay time of service as volunteers, &c., included. R. S., §§ 1262, 1263. 16 Opin. Att'y-Gen., 26, 611.

SEC. 7. That on and after the passage of this act, all officers of the Army of the United States who have served as officers in the volunteer forces during the war of the rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement.

See Tyler's case and Babbitt's case, 16 Ct. Cls., —.

Retired list limited to 400. R. S., § 1258.

And the retired list shall hereafter be limited to four hundred in lieu of the number now fixed by law.

Allowance of or for fuel to officers of Army prohibited, but fuel may be sold to them for use. R. S., § 1270. 16 Opin. Att'y-Gen., 92.

SEC. 8. Allowance of or commutation for fuel to commissioned officers is hereby prohibited; but fuel may be furnished to the officers of the Army by the Quartermaster's Department, for the actual use of such officers only, at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, according to the regulations now in existence;

Forage in kind may be furnished for horses owned and kept by officers, &c. R. S., §§ 1270–1272. 1877, Feb. 27, ch. 69, par. 35.

And forage in kind may be furnished to the officers of the Army, by the Quartermaster's Department, only for horses owned and actually kept by such officers in the performance of their official military duties when on duty with troops in the field or at such military posts west of the Mississippi River, as may be from time to time designated by the Secretary of War, and not otherwise as follows:

To the General five horses;
To the Lieutenant General four horses;
To a major-general three horses;
To a brigadier-general, three horses;
To a colonel, two horses;
To a lieutenant-colonel, two horses;
To a major, two horses;
To a captain (mounted), two horses;
To a lieutenant (mounted), two horses;
To an adjutant, two horses;
To a regimental quartermaster, two horses.

Quarters in kind; where may be furnished. R. S., § 1270.

SEC. 9. That all posts and stations where there are public quarters belonging to the United States, officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is now allowed to such grade by the rules and regulations of the Army:

—where may be commuted, and at what rate. R. S., § 1270. 1879, June 23, ch. 35. 1881, Feb. 24, ch. 79, par. 1. 16 Opin. Att'y-Gen., 577, 619.

Provided, That at places where there are no public quarters, commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding ten dollars per room per month, and the commutation for quarters allowed to the General shall be at the rate of one hundred and twenty-five dollars per month, and to the Lieutenant General at the rate of seventy dollars per month.

* * * * * * *

Promotions in Army to cease till January, 1879.

SEC. 13. That from and after the passage of this act, all promotions in the Army, in each and every grade, arm, corps and department thereof, shall cease; and thereafter no promotions or appointments shall be made to fill any vacancy which may occur, or be created therein, until after such report (1) shall be made and acted upon by Congress: *Provided*, That this limitation shall not apply to the line of the Army below the rank of captain.

* * * * * * *

Army not to be used as a *posse comitatus*, except as expressly authorized by Constitution and laws. 16 Opin. Att'y-Gen., 162.

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States, as a posse comitatus, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section

Punishment for violation of section.

And any person wilfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding ten thousand dollars or imprisonment not exceeding two years or by both such fine and imprisonment

Repeal.

SEC. 16. That all acts and parts of acts inconsistent with the provisions of this act be, and they are hereby, repealed. [*June* 18, 1878.]

NOTE.—(1) The report here referred to was required to be made by January 1, 1879, by a committee of Congress provided for in §§ 10, 11, and 12, which are omitted because special and temporary.

CHAPTER 265.

AN ACT TO ORGANIZE THE LIFE-SAVING-SERVICE.

June 18, 1878.

20 Stat. L., 163.

SECTION
1. Additional life-saving stations at—
— Cranberry Isles.
— Delaware coast.
— Maryland coast.
— Virginia and North Carolina.
— Texas.
— Lake Michigan.
— Lake Superior.
— Lake Huron.
— California.
Superintendent for coast on Gulf of Mexico.
Keepers of each station.
2. Unexpended balances available.
3. Proceeds of sale of old stations; how to be used.
4. Keepers' compensation.
— to have powers of inspectors of customs.
— to have charge of property saved.
— to reside near their stations.
5. Stations; at what seasons to be kept open.
Crews to reside at stations.
6. General superintendent; his appointment, salary, &c.
Assistant to general superintendent.
7. Duties of general superintendent.
— to make annual report.
8. Revenue Marine officers may be detailed as inspectors.
9. Investigation of shipwrecks with loss of life.
— administration of oath.
10. Compensation of members of volunteer crews of life-boat stations.
Duty of crews.
Pay of volunteers for saving, &c., property.
11. Drill, &c., of enrolled crews.
12. Life-saving medals may be bestowed by Secretary of Treasury.

Be it enacted, &c.

Additional life-saving stations. R. S., §§ 4242–4251. 1874, June 20, ch. 344. 1881, March 2, ch. 111.

[SECTION 1], That the Secretary of the Treasury is hereby authorized to establish additional life-saving and life-boat stations at or near the following-named points upon the sea and lake coasts of the United States, namely:

At Cranberry Isles; One complete life-saving station at Cranberry Isles, Maine;

One complete life-saving station at or near Scituate, Massachusetts;

One complete life-saving station at or near Watch Hill, Rhode Island;

—Delaware coast; One complete life-saving station on the coast of Delaware between Cape Henlopen and Indian River;

—Maryland coast; Two complete life-saving stations on the coast of Maryland, to be located, one between Indian River and Green Run, and one between Green Run and Chincoteague;

—Virginia and North Carolina coast; Fifteen complete life-saving stations on the coasts of Virginia and North Carolina, ten of them to be located at intermediate points between the existing stations, three between the southernmost existing station and Hatteras Inlet, one at or near Cape Lookout, and one at or near Cape Fear Point;

—Texas coast; Five complete life-stations on the coast of Texas, to be located, one at or near Sabine Pass, one on Galveston Island, near west end, one at or near Pass Cavallo, one at or near Aranzas Pass, and one at Brazos Santiago, and one life boat station on Galveston Island, near east end;

—Lake Michigan; Two complete life-saving stations on the coast of Lake Michigan, to be located, one at or near Sleeping Bear Point, and one at or near Bayley's Harbor, and four life-boat stations to be located, one at or near Manistee, one at Ludington, one at or near Muskegan, and one at Kenosha;

—Lake Superior; One life-boat station on the coast of Lake Superior, at or near the mouth of Portage Lake and Lake Superior Ship Canal;

—Lake Huron; Two complete life-saving stations on the coast of Lake Huron, one at or near Port Austin and one on Middle Island, and a life-boat station at or near Sand Beach Harbor of Refuge;

—California. 1874, June 20, ch. 344, § 1. And on the coast of California, a life-boat station at Bolinas Bay, in place of that authorized to be established at Point Reyes by the act of June twentieth, eighteen hundred and seventy-four, entitled "An act to provide for the establishment of life-saving stations and houses of refuge upon the sea and lake coasts of the United States, and to promote the efficiency of the Life-Saving Service";

Superintendent for coast on Gulf of Mexico. And the Secretary of the Treasury is hereby authorized, whenever, in his opinion, it may become necessary for the proper administration of the Life-Saving Service and the protection of the public property at the stations, to appoint a district superintendent for the coast of the United States bordering on the Gulf of Mexico, whose compensation shall be at the rate of one thousand dollars per annum,

Keeper at each station. And also a keeper for each of the stations hereby authorized to be established.

Unexpended balances available. SEC. 2. That the unexpended balances of appropriations heretofore made for the establishment of life-saving and life-boat stations are hereby made available for the payment of the expenses of the establishment of the stations herein authorized.

Proceeds of sale of old stations; how to be used. R. S., §§ 3618, 3672, 3692. 1874, June 20, ch. 344, § 9. SEC. 3. That all moneys received from the sale of old stations and equipments and other material condemned by a board of survey as unserviceable may be expended in rebuilding or improving and equipping stations.

Keepers' compensation. SEC. 4. That hereafter the compensation of the keepers of life-saving and life-boat stations and houses of refuge shall be at the rate of four hundred dollars per annum;

—have powers of inspectors of customs. And they shall have the powers of inspectors of customs, but shall receive no additional compensation for duties performed as such:

—to have charge of property saved. 16 Opin. Att'y-Gen., 645. *Provided*, That said keepers shall have authority and be required to take charge of and protect all property saved from shipwreck at which they may be present, until it is claimed by parties legally authorized to receive it, or until otherwise instructed to dispose of it by the Secretary of the Treasury;

And keepers of life-saving stations shall be required to reside continually at or in the immediate vicinity of their respective stations. —to reside near their stations.

SEC. 5. That hereafter the life-saving stations upon the sea and gulf coasts at which crews are employed shall be manned and the stations opened for active service on the first day of September in each year, and so continue until the first day of May succeeding, and upon the lake coasts from the opening to the close of navigation, except such stations as, in the discretion of the Secretary of the Treasury, are not necessary to be manned during the full period specified; Stations; at what season to be kept open.

And the crews shall reside at the stations during said periods. Crews to reside at stations.

SEC. 6. That the President of the United States may, by and with the consent of the Senate, appoint a suitable person, who shall be familiar with the various means employed in the Life-Saving-Service for the saving of life and property from shipwrecked vessels, as general superintendent of the Life-Saving-Service, who shall, under the immediate direction of the Secretary of the Treasury, have general charge of the service and of all administrative matters connected therewith, and whose compensation shall be at the rate of four thousand dollars per annum; General superintendent; his appointment, salary, &c.

And the Secretary of the Treasury is authorized to appoint an assistant to the general superintendent, whose compensation shall be two thousand five hundred dollars per annum. Assistant to general superintendent.

SEC. 7. That it shall be the duty of the general superintendent to supervise the organization and government of the employees of the service; Duties of general superintendent.

To prepare and revise regulations therefor as may be necessary;

To fix the number and compensation of surfmen to be employed at the several stations within the provisions of law;

To supervise the expenditure of all appropriations made for the support and maintainance of the Life-Saving-Service;

To examine the accounts of disbursements of the district superintendents, and to certify the same to the accounting-officers of the Treasury Department;

To examine the property returns of the keepers of the several stations, and see that all public property thereto belonging is properly accounted for;

To acquaint himself, as far as practicable, with all means employed in foreign countries which may seem to advantageously affect the interests of the service, and to cause to be properly investigated all plans, devices, and inventions for the improvement of life-saving apparatus for use at the stations, which may appear to be meritorious and available;

To exercise supervision over the selection of sites for new stations the establishment of which may be authorized by law, or for old ones the removal of which may be made necessary by the encroachment of the sea or by other causes;

To prepare and submit to the Secretary of the Treasury estimates for the support of the service;

To collect and compile the statistics of marine disasters contemplated by the act of June twentieth, eighteen hundred and seventy-four;

And to submit to the Secretary of the Treasury, for transmission to Congress, an annual report of the expenditures of the moneys appropriated for the maintenance of the Life-Saving Service, and of the operations of said service during the year. —to make annual report. 1876, July 31, ch. 246, § 1, par. 3.

SEC. 8. That the Secretary of the Treasury may detail such officer or officers of the Revenue Marine Service as may be necessary, to act as inspector and assistant inspectors of stations, who shall perform such duties in connection with the conduct of the service as may be required of them by the general superintendent. Revenue Marine officers may be detailed as inspectors.

SEC. 9. That upon the occurrence of any shipwreck within the scope of the operations of the Life-Saving Service, attended with loss of life, Investigation of shipwrecks with loss of life.

the general superintendent shall cause an investigation of all the circumstances connected with said disaster and loss of life to be made, with a view of ascertaining the cause of the disaster, and whether any of the officers or employees of the service have been guilty of neglect or misconduct in the premises;

—administration of oath.

And any officer or clerk in the employment of the Treasury Department who may be detailed to conduct such investigation, or to examine into any alleged incompetency or misconduct of any of the officers or employees of the Life-Saving Service, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

Compensation of members of volunteer crews of life-boat stations extended.
1874, June 20, ch. 344, § 6.

SEC. 10. That section six of said act of June twentieth, eighteen hundred and seventy-four, is so amended as to extend the compensation of the enrolled members of volunteer crews of life-boat stations therein named to occasions of actual and deserving service at any shipwreck, or in the relief of any vessel in distress, and that such persons as may volunteer to take the place of any absent or disabled enrolled members of a crew, and who shall be accepted by the keeper, may be paid therefor, in the discretion of the Secretary of the Treasury, a sum not to exceed eight dollars each on every such occasion:

Duty of crews.

Provided, That all crews and volunteers employed under authority of this act who may be present at a wreck shall be required to use their utmost endeavors to save life and properly care for the bodies of such as may perish, and, when such efforts are no longer necessary, to save property and protect the same, under the direction of the senior keeper present or of the superintendent of the district, until the arrival of persons legally authorized to take charge;

Pay of volunteers for saving, &c., property.

And for the time employed in so saving and protecting property volunteers shall be entitled to compensation not to exceed three dollars per day each, in the discretion of the Secretary of the Treasury.

Drill, &c., of enrolled crews.

SEC. 11. That the enrolled members of the crews of life-boat stations may be called out for drill and exercise in the life-boat and life-saving apparatus as often as the general superintendent may determine, not to exceed twice a month, for each day's attendance at which they shall be entitled to the sum of three dollars each.

Life-saving medals may be bestowed by Secretary of Treasury.
1874, June 20, ch. 344, § 7.

SEC. 12. That the Secretary of the Treasury is hereby authorized to bestow the life-saving medal of the second class upon persons making such signal exertions in rescuing and succoring the shipwrecked, and saving persons from drowning, as, in his opinion, shall merit such recognition. [*June* 18, 1878.]

CHAPTER 266.

June 18, 1878.

20 Stat. L., 165.

AN ACT FOR THE RESTORATION TO MARKET OF CERTAIN LANDS IN THE TERRITORY OF UTAH.

Indian reservation in Utah restored to sale, &c.

Indian reservation in Utah restored to sale, &c.
1864, ch. 77 (13 Stat. L., 63).

Be it enacted, &c., That so much of the act of Congress approved May fifth, eighteen hundred and sixty-four, and entitled "An act to vacate and sell the present Indian reservation in Utah Territory, and to settle Indians of said Territory in the Uinta Valley", as directs the Secretary of the Interior to cause to be appraised and offer for sale upon sealed bids the reservations therein referred to, be, and the same is hereby, repealed; and the Secretary of the Interior is hereby authorized and directed to restore the same to the public domain for disposition as other public lands. [*June* 18, 1878.]

CHAPTER 267.

AN ACT RELATIVE TO EXAMINATIONS FOR PROMOTIONS IN THE NAVY.

June 18, 1878.
20 Stat. L., 265.

SECTION
1. In examinations for promotion in Navy, matters decided at previous examination not to be inquired into.
2. When it has been done, re-examination to be ordered.

Be it enacted, &c.

In examinations for promotion in Navy, matters decided at previous examination not to be inquired into. R. S., §§ 1493–1504.

[SECTION 1], That hereafter in the examination of officers in the Navy for promotion no fact which occurred prior to the last examination of the candidate whereby he was promoted, which has been enquired into and decided upon, shall be again enquired into, but such previous examination, if approved, shall be conclusive, unless such fact continuing shows the unfitness of the officer to perform all his duties at sea.

Where it has been done, re-examination to be ordered.

SEC. 2. The President of the United States may in cases wherein the rule herein prescribed has been violated order and direct the re-examination of the same. [*June* 18, 1878.]

CHAPTER 268.

AN ACT TO AMEND SECTION FORTY-SIX HUNDRED AND NINETY FIVE OF THE REVISED STATUTES OF THE UNITED STATES.

June 18, 1878.
20 Stat. L., 166.

Lieutenant-commanders' pension.

Be it enacted, &c., That from and after July sixteenth, eighteen hundred and sixty-two pensions granted to lieutenant-commanders in the Navy for disability, or on account of their death, shall be the same as theretofore provided for lieutenants-commanding. [*June* 18, 1878.]

Lieutenant-commanders' pension. R. S., § 4695.

CHAPTER 269.

AN ACT TO PROVIDE FOR THE HOLDING OF TERMS OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES AT FORT WAYNE, INDIANA.

June 18, 1878.
20 Stat. L., 266.

SECTION
1. District and circuit courts to be held at Fort Wayne.
2. Clerk, district attorney, marshal.
3. Court-house to be provided by county or city.

Be it enacted, &c.

District and circuit courts to be held at Fort Wayne. R. S., §§ 572, 658. 1874, June 23, ch. 463. 1881, March 3, ch. 154.

[SECTION 1], That there shall be two terms of the United States district and circuit courts for the district of Indiana, held in the city of Fort Wayne, Indiana, in each year, from and after the passage of this act; the time and length of the terms to be fixed by the judges of said court respectively.

Clerk, district attorney, marshal. *Substitute* 1879, March 3, ch. 182, § 1, par. 14.

SEC. 2. (**Rep.**) [That the clerk of the district court for the district of Indiana, the marshal, and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts; And the said clerk and marshal shall appoint a deputy, to reside and keep their offices at Fort Wayne, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices respectively.]

Court-house to be provided by county or city.

SEC. 3. That each of said courts shall be held in a building to be provided for that purpose by the county or city authorities, without expense to the United States. [*June* 18, 1878.]

CHAPTER 311.

June 19, 1878.

AN ACT TO REGULATE EXPENDITURES IN THE NAVY.

20 Stat. L., 167.

SECTION
1. Tabular statement of receipts and expenditures of naval service to be laid before Congress annually.
SECTION
2. —with account of balances, losses, &c.

Be it enacted, &c.

Tabular statement of receipts and expenditures of naval service to be laid before Congress annually. R. S., § 429.

[SECTION 1], That from and after the passage of this act, it shall be the duty of the Secretary of the Treasury to transmit to Congress, annually, a tabular statement showing in detail the receipts and expenditures in the Naval service under each appropriation, as made up and determined by the proper officers of the Treasury Department, upon the accounts of disbursing-officers rendered for settlement.

—with account of balances, losses, &c.

SEC. 2. There shall be appended to this statement an account of balances in the hands of disbursing agents at the close of each fiscal year, and a report of any amounts lost or unaccounted for by voucher [*June* 19, 1878.]

CHAPTER 312.

June 19, 1878.

AN ACT AUTHORIZING A GENERAL ACCOUNT OF ADVANCES FOR NAVAL APPROPRIATIONS

20 Stat. L., 167.

SECTION
1. Requisitions of Secretary of Navy for advances; how issued.
Use of appropriations for pay of Navy limited.
SECTION
2. Advances; how charged.
3. Settlements, &c., by Fourth Auditor.

Be it enacted, &c.

Requisitions of Secretary of Navy for advances; how issued. R. S., § 3673.

[SECTION 1], That the Secretary of the Navy be, and he is hereby, authorized to issue his requisitions for advances to disbursing officers and agents of the Navy under a "General account of advances", not to exceed the total appropriation for the Navy, the amount so advanced to be exclusively used to pay current obligations upon proper vouchers and that "Pay of the Navy" shall hereafter be used only for its legitimate purpose, as provided by law.

Use of appropriations for pay of Navy limited.

Advances; how charged. R. S., §§ 277, 283.

SEC 2. That the amount so advanced be charged to the proper appropriations, and returned to "General account of advances" by pay and counter warrant; the said charge, however, to particular appropriations, shall be limited to the amount appropriated to each.

Settlements, &c., by Fourth Auditor. R. S., §§ 277, 283.

SEC 3. That the Fourth Auditor shall declare the sums due from the several special appropriations upon complete vouchers, as heretofore, according to law; and he shall adjust the said liabilities with the "General account of advances." [*June* 19, 1878.]

CHAPTER 314.

June 19, 1878.

AN ACT FOR THE RELIEF OF SETTLERS ON THE PUBLIC LANDS.

20 Stat. L., 169.

Settlers on public lands injured by grasshoppers in 1876 may be temporarily absent without prejudice, &c.

Be it enacted, &c., That the provisions of an act of Congress, approved March third, eighteen hundred and seventy-seven, entitled "An act for the relief of settlers on the public lands", are hereby extended to those settlers whose crops were destroyed or seriously injured by the grasshoppers during the year eighteen hundred and seventy-six. [*June* 19, 1878.]

Settlers on public lands injured by grasshoppers in 1876 may be temporarily absent without prejudice, &c. R. S., §§ 2259, 2289. 1877, March 3, ch. 127.

CHAPTER 315.

AN ACT TO PROVIDE FOR THE HOLDING OF A TERM OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES AT LINCOLN, NEBRASKA

June 19, 1878.
20 Stat. L., 169.

Circuit and district courts to be held at Lincoln, Nebr., &c.

Be it enacted, &c., That there shall be one term of the United States district and circuit courts for the district of Nebraska, held in the city of Lincoln, Nebraska, on the first Monday of January in each year from and after the passage of this act; and one grand jury and one petit jury only shall be summoned and serve in both of said courts at each term thereof [*June* 19, 1878.]

Circuit and district courts to be held at Lincoln, Nebr., &c.
R. S., §§ 572, 658.
1877, Feb. 17, ch. 60.

CHAPTER 316.

AN ACT TO CREATE AN AUDITOR OF RAILROAD ACCOUNTS AND FOR OTHER PURPOSES.

June 19, 1878.
20 Stat. L., 169.

SECTION
1. Repeal of provisions requiring certain reports from railroad companies.
2. Auditor of Railroad Accounts to be appointed.
— salary of.
— assistants and clerks of.
— traveling expenses of.
— free transportation of.
— incidental expenses of.
3. Duties of Auditor.
— to make annual report.
4. Railroad companies which have received bonds or lands from United States to make reports and submit books, &c.
5. — penalty on, for neglect, &c.
6. Act to apply to assignees of such companies.
7. When act takes effect.

Be it enacted, &c.

[SECTION 1], That section twenty of the act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the government the use of the same for postal, military and other purposes", approved July first anno Domini eighteen hundred and sixty-two, and the act entitled "An act relative to filing reports of railroad companies" approved June twenty-fifth, anno Domini eighteen hundred and sixty-eight, be, and the same are hereby, repealed.

Repeal of provisions requiring certain reports from railroad companies.
1862, ch. 120 (12 Stat. L., 498).
1868, ch. 77 (15 Stat. L., 79).

SEC 2. That the office of Auditor of Railroad Accounts is hereby established as a bureau of the Interior Department. The said Auditor shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

Auditor of Railroad Accounts to be appointed.
R. S., §§ 437–439, 5256–5262.
1881, March 3, ch. 130, par. 3.

The annual salary of the said Auditor shall be, and is hereby, fixed at the sum of five thousand dollars.

—salary of.

To assist the said Auditor to perform the duties of said office, the Secretary of the Interior shall appoint one bookkeeper at an annual salary of two thousand four hundred dollars, one assistant bookkeeper at an annual salary of two thousand dollars, one clerk at an annual salary of one thousand four hundred dollars, and one copyist at an annual salary of nine hundred dollars.

—assistants and clerks of.

Actual and necessary traveling and other expenses incurred in visiting the offices of the railroad companies hereinafter described, and for which vouchers shall be rendered, are hereby allowed, not to exceed the sum of two thousand dollars per annum;

—traveling expenses of.

And it is hereby specially provided that each of said railroad companies shall furnish transportation over its own road, without expense to the United States, for the said Auditor or any person acting under his direction.

—free transportation of.

Incidental expenses for books, stationery and other material necessary for the use of said bureau are hereby allowed not to exceed the sum of seven hundred dollars per annum.

—incidental expenses of.

And the sum of twelve thousand dollars is hereby appropriated for the uses and purposes of this act for the fiscal year ending June thirtieth, anno Domini eighteen hundred and seventy-nine.

SEC. 3 That the duties of the said Auditor under and subject to the

Duties of Auditor.

direction of the Secretary of the Interior shall be, to prescribe a system of reports to be rendered to him by the railroad companies whose roads are in whole or in part west, north, or south of the Missouri River, and to which the United States have granted any loan of credit or subsidy in bonds or lands;

To examine the books and accounts of each of said railroad companies once in each fiscal year, and at such other times as may be deemed by him necessary to determine the correctness of any report received from them;

To assist the government directors of any of said railroad companies in all matters which come under their cognizance whenever they may officially request such assistance;

To see that the laws relating to said companies are enforced;

To furnish such information to the several departments of the government in regard to tariffs for freight and passengers and in regard to the accounts of said railroad companies as may be by them required, or, in the absence of any request therefor, as he may deem expedient for the interest of the government;

Auditor to make annual report.

And to make an annual report to the Secretary of the Interior, on the first day of November, on the condition of each of said railroad companies, their roads, accounts, and affairs, for the fiscal year ending June thirtieth immediately preceding.

Railroad companies which have received bonds or lands from United States to make reports and submit books.

SEC 4. That each and every railroad company aforesaid which has received from the United States any bonds of the said United States, issued by way of loan to aid in constructing or furnishing its road, or which has received from the United States any lands granted to it for a similar purpose, shall make to the said Auditor any and all such reports as he may require from time to time and shall submit its books and records to the inspection of said Auditor or any person acting in his place and stead, at any time that the said Auditor may request, in the office where said books and records are usually kept;

And the said Auditor, or his authorized representative, shall make such transcripts from the said books and records as he may desire.

—penalty for neglect, &c.

SEC 5. That if any railroad company aforesaid shall neglect or refuse to make such reports as may be called for, or refuse to submit its books and records to inspection, as provided in section four of this act, such neglect or refusal shall operate as a forfeiture, in each case of such neglect or refusal, of a sum not less than one thousand nor more than five thousand dollars, to be recovered by the Attorney-General of the United States in the name and for the use and benefit of the United States;

And it shall be the duty of the Secretary of the Interior, in all such cases of neglect or refusal as aforesaid, to inform the Attorney-General of the facts, to the end that such forfeiture or forfeitures may be judicially enforced.

Act to apply to assignees of such companies.

SEC. 6. This act shall apply to any and all persons or corporations into whose hands either of said railroads may lawfully come, as well as to the original companies.

When act takes effect.

SEC 7. This act shall take effect on and after the first day of July, anno Domini eighteen hundred and seventy-eight. [*June* 19, 1878.]

CHAPTER 317.

June 19, 1878.

20 Stat. L., 171.

AN ACT TO PROTECT PUBLIC LIBRARIES IN THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES

Stealing, injuring, &c., books, maps, &c., in Library of Congress, or any public library in District of Columbia, or belonging to United States; how punished.

Stealing, injuring, &c., books, maps, &c., in Li-

Be it enacted, &c., That any person who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof, belonging to the Library of Congress, or to any

public library in the District of Columbia, whether the property of the United States or of any individual or corporation in said District, or who shall steal, wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, print, engraving, medal, newspaper, or work of art, the property of the United States, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than ten dollars nor more than one thousand dollars, and by imprisonment for not less than one nor more than twelve months, or both, for every such offense. [*June* 19, 1878.]

brary of Congress, or any public library in District of Columbia or belonging to United States; how punished.
R. S., §§ 80–100.

CHAPTER 318.

AN ACT TO AMEND SECTION TWENTY-NINE HUNDRED AND THIRTY-ONE OF THE REVISED STATUTES OF THE UNITED STATES SO AS TO ALLOW REPAYMENT BY THE SECRETARY OF THE TREASURY OF THE TONNAGE-TAX WHERE IT HAS BEEN EXACTED IN CONTRAVENTION OF TREATY PROVISIONS

June 19, 1878.
20 Stat. L., 171.

Refund of tonnage-dues exacted contrary to treaty stipulations.

Be it enacted, &c., That the provisions of section twenty-nine hundred and thirty-one, of chapter six, title thirty-four, of the Revised Statutes, shall not apply to cases of the payment of tonnage-tax on vessels where the Secretary of the Treasury and Attorney-General shall be satisfied that the exaction of such tax was in contravention of treaty provisions; and he may draw his warrant for the refund of the tax so illegally exacted, as is provided in section three thousand twelve and one half of said statutes:

Provided, That this act shall not be construed to authorize the refunding of any tonnage-duties whatever exacted prior to the first day of June eighteen hundred and sixty-two, nor shall it apply to cases of the payment of tonnage-tax heretofore made on vessels other than those of the Hanseatic Republics and Sweden and Norway. [*June* 19, 1878.]

Refund of tonnage-dues exacted contrary to treaty stipulations.
R. S., §§ 2931, 3012½, 4219–4227.
1877, Feb. 27, ch. 69, par. 140.
16 Opin. Att'y-Gen., 103, 276.
— not to apply in certain cases.

CHAPTER 319.

AN ACT SUPPLEMENTARY TO THE ACT ENTITLED "AN ACT TO CARRY INTO EFFECT THE CONVENTION BETWEEN THE UNITED STATES AND CHINA CONCLUDED ON THE EIGHTH DAY OF NOVEMBER, EIGHTEEN HUNDRED AND FIFTY-EIGHT, AT SHANGHAI", APPROVED MARCH THIRD EIGHTEEN HUNDRED AND FIFTY-NINE AND TO GIVE THE COURT OF CLAIMS JURISDICTION IN CERTAIN CASES. (1)

June 19, 1878.
20 Stat. L., 171.

SECTION
1. Claims on Chinese indemnity fund in State Department may be determined in Court of Claims.
2. Proceedings thereon. Final judgment; how paid, &c.

Be it enacted, &c.

[SECTION 1], That any person or persons, or body corporate holding and making any claim upon the balance of the fund usually designated and known as "the Chinese indemnity fund", under the control of the Department of State of the United States and now unappropriated, for loss sustained by the plunder and destruction, in the year eighteen hundred and fifty-four, of the bark Caldera, and property on board of said vessel, may, at any time within twelve months after the passage of this act commence proceedings in the United States Court of Claims against the United States, in the same manner as other suits are brought, pursuant to and in virtue of the statutes of the United States and the rules of said court;

And that the said Court of Claims shall have full jurisdiction to hear and determine such claim or demand, according to the principles of justice and international law.

Claims on Chinese indemnity fund in State Department may be determined in Court of Claims.
1859, ch. 77 (11 Stat. L., 408).
R. S., § 1059.
15 Ct. Cls., 546.

NOTE.—(1) For the act of March 3, 1858, ch. 77, here referred to, see 11 Stat. L., 408; and for the convention with China, therein mentioned, see 12 Stat. L., 1081, or R. S., vol. 2, Treaties, 146, with the note prefixed thereto.

Proceedings.

SEC. 2. That at the hearing or on the trial of any suit so commenced, either party, plaintiff or defendant, shall have the right to use before the court any testimony or documents which may be relevant to, and competent upon, the issues joined between the parties;

And that the proceedings, trial, decision, and judgment of the said court shall be had in the same manner as in all other cases before the said Court of Claims, and have the same effect; and that either party, plaintiff or defendant may appeal from the decision or judgment of the said Court of Claims to the Supreme Court of the United States in the same manner as now provided for in other cases:

Final judgments; how paid, &c.

Provided, however, That if any final judgment be found in favor of a claimant or plaintiff, the same shall only be paid and satisfied out of the balance of said Chinese indemnity fund; and if said judgment shall be in favor of the defendant, then such claimants shall be forever barred in law and equity from hereafter making any claim upon or against said fund. [*June* 19, 1878.]

CHAPTER 320.

June 19, 1878.
20 Stat. L., 172.

AN ACT TO AUTHORIZE THE CLAIMANTS TO CERTAIN LANDS IN SANTA BARBARA COUNTY, CALIFORNIA, TO SUBMIT THEIR CLAIM TO THE UNITED STATES DISTRICT COURT FOR THAT STATE FOR ADJUDICATION.

SECTION
1. Claimants to lands in Rancho Las Cruces, California, may have claims adjudicated in district court.
Limits of confirmation.
Preliminary releases to be made by claimants.
2. Appeal to Supreme Court.
Provisions governing court in examinations.
3. Survey, final decree, and patent.

Be it enacted, &c.

Claimants to lands in Rancho Las Cruces, California, may have claims adjudicated in district court.

[SECTION 1], That the claimants to lands situated in Santa Barbara County, California, known as the Rancho Las Cruces, who reraign title through the original Mexican grantee of said rancho, are hereby permitted and authorized to present their claim to said lands to the district court of the United States for the district of California for examination;

And if, upon the hearing of said case, it shall appear to said court that the claim of the original grantee was good and valid under Mexican laws relating to such cases, the said court shall by decree confirm said claim:

Limits of confirmation.

Provided, That no lands shall be confirmed to said claimants by said decree exceeding in area eight thousand eight hundred and eighty-eight acres, nor any lands to which there are any valid claims existing under the pre-emption or homestead laws of the United States at the date of the passage of this act; nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by reason of pre-emption or homestead claims or adverse rights as aforesaid:

Preliminary releases to be made by claimants.

Provided further, that said claimants, before filing their claim shall execute releases to any persons who may be in possession of any portion of said lands under valid claims under the pre emption, homestead, or other laws of the United States at the date of the passage of this act, to the portions of said lands so held respectively;

And before rendering a decree of confirmation, the said court shall ascertain that said releases have been duly executed.

Appeal to Supreme Court.

SEC. 2. That in case said claim is rejected by said court then said claimants are hereby granted the right of appeal to the Supreme Court of the United States, within the time and in the manner now provided by law in like cases.

Provisions governing courts in examinations.

The said courts in the examination of the claims presented by any person under this act, shall be governed, so far as applicable, by the provisions of the act passed March third anno Domini eighteen hundred

and fifty-one, entitled "An act to ascertain and settle private-land claims in the State of California." 1851, ch. 41 (9 Stat. L., 631).

SEC. 3. That the United States surveyor-general for California is hereby directed, upon the filing in his office by said claimants of a certified copy of a final decree of confirmation, under the provisions of this act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; Survey and final decree.

And upon the approval of said survey by the Commissioner of the General Land Office a patent shall issue to said claimants in the usual form. [*June* 19, 1878.] Patent.

CHAPTER 321.

AN ACT REGULATING EXEMPTIONS IN THE DISTRICT OF COLUMBIA. June 19, 1878.

20 Stat. L., 173.

SECTION
1. Earnings, not exceeding $100, of residents of District of Columbia exempt from levy, execution, &c.
2. Repeal.

Be it enacted, &c.

[SECTION 1], That the earnings, not to exceed one hundred dollars each month of all actual residents of the District of Columbia, and who are married persons, or who have to provide for the support of a family in said District, for two months next preceding the issuing of any writ or process from any court or justice of the peace, or other officer of and in said District, against them, shall be exempt from attachment, levy, seizure, or sale upon such process; Earnings, not exceeding $100, of residents of District of Columbia exempt from levy, execution, &c.

And the same shall not be seized, levied on, taken, reached, or sold by attachment, execution, or any other process, or proceedings of any court, judge, justice of the peace, or other officer of and in said District;

Provided, That this act and nothing herein contained shall apply, or in any manner affect any existing debt, contract, note, or judgment.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act be, and they are hereby, repealed. [*June* 19, 1878.] Repeal.

CHAPTER 322.

AN ACT TO PROVIDE FOR THE HOLDING OF TERMS OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES AT CITY OF CHARLOTTE, NORTH CAROLINA June 19, 1878.

20 Stat. L., 173.

Circuit and district courts to be held at Charlotte, N. C.

Be it enacted &c., That additional terms of the district and circuit courts of the United States for the western district of North Carolina shall hereafter be held in the city of Charlotte, in said State, and that said terms shall commence respectively on the second Monday of June and the second Monday of December in each and every year and shall continue until the business is disposed of. Circuit and district courts to be held at Charlotte, N. C. R. S., §§ 572, 658.

That this act take effect from and after its passage. [*June* 19, 1878.]

CHAPTER 323.

AN ACT TO CREATE A REVENUE IN THE DISTRICT OF COLUMBIA BY LEVYING A TAX UPON ALL DOGS THEREIN, TO MAKE SUCH DOGS PERSONAL PROPERTY, AND FOR OTHER PURPOSES. June 19, 1878.

20 Stat. L., 173.

SECTION
1. In District of Columbia; tax on dogs.
2. Tax-tags; record and evidence of payment.
3. Dogs without tags to be seized, &c.
4. Dogs with tags to be personal property, and persons injuring, &c., liable therefor.
5. Owners liable for injuries by dogs.
6. Dog-collars; provisions concerning.
7. Muzzles.
8. Penalty for removing collar, &c.
— for molesting led dog.
9. — for permitting dangerous dogs to go at large.
10. Repeal.

Be it enacted, &c.

In District of Columbia; tax on dogs.

[SECTION 1], That there shall be levied a tax of two dollars each per annum upon all dogs owned or kept in the District of Columbia; said tax to be collected as other taxes in said District are or may be collected.

Tax-tags.

SEC. 2. It shall be the duty of the collector of taxes, upon receipt of said tax, to give to the person paying the same, for each dog so paid for, a suitable metallic tag, stamped with the year, showing that said tax has been duly paid;

Record.

And he shall keep a record of all such payments, with the date thereof, and the name, color, and sex of such dog, and the name of the person claiming any dog so paid for;

Evidence of payment.

And a copy of such record, certified under the hand and official seal of the said collector, which shall be given to any person demanding the same, upon payment of twenty-five cents therefor, shall be prima-facie evidence of such payment in any court of the District of Columbia.

Dogs without tags to be seized, &c. See page 577.

SEC. 3. The poundmaster of the District of Columbia shall, during the entire year, seize all dogs found running at large without the tax-tag, issued by the collector aforesaid, attached, and shall impound the same;

And if, within forty-eight hours, the same are not redeemed, by the owners thereof, by the payment of two dollars, they shall be sold or destroyed, as the poundmaster may deem advisable; and any sale made by virtue hereof shall be deemed valid to all intents and purposes in all the courts of the District of Columbia.

Dogs with tags to be personal property, and persons injuring, &c., liable therefor.

SEC. 4. Any dog wearing the tax-tag hereinbefore provided for shall be permitted to run at large in the District of Columbia, and shall be regarded as personal property in all the courts of said District;

And any person injuring or destroying the same shall be liable to a civil action for damages, which, upon proof of said injuring or killing may be awarded in a sum equal to the value usually put upon such property by persons buying and selling the same, subject to such modification as the particular circumstances of the case may make proper,

Owners liable for injuries by dogs.

SEC. 5. Any person owning any dog so recorded in the collector's office shall be liable in a civil action for any damage done by said dog to the full amount of the injury inflicted.

Dog-collars; provisions concerning.

SEC. 6. It shall be the duty of any person owning or possessing a dog to place, or cause to be placed and kept, around the neck of such dog, a collar, on which shall be marked and engraved, in legible and durable characters, the name of the owner or possessor, and the letters "D. C.", and to which collar must be attached the insignia or tax-tag furnished by the District tax-collector, in accordance with the first and second sections of this law, under the penalty of not less than five nor more than ten dollars;

And if any person shall put, or cause to be put, a collar, with the insignia or tax-tag, around the neck of any dog owned or possessed by any person or persons residing in the District, without having obtained a license for keeping such animal, he, she, or they shall forfeit and pay the sum of not less than five nor more than ten dollars for each and every offense.

Muzzles.

SEC. 7. Whenever it shall be made to appear to the Commissioners that there are good reasons for believing that any dog or dogs within the District are mad, it shall be the duty of the Commissioners to issue a proclamation requiring that all dogs shall, for a period to be defined in the proclamation, wear good, substantial muzzles securely put on, so as to prevent them from biting or snapping;

And any dog going at large during the period defined by the Commissioners without such muzzle shall be taken by the poundmaster and impounded, subject to the provisions of section three.

Penalty for removing collar, &c.

SEC. 8. Any person who shall remove, or cause to be removed, the collar and insignia or tax-tag from the neck of any dog, or entice any properly licensed dog into any inclosure for the purpose of taking off its collar or insignia, or shall for such purpose decoy or entice any animal out of

the inclosure or house of its owner or possessor, or shall seize or molest any dog while held or led by any person, or shall bring any dog into the District for the purpose of taking up and killing the same, shall forfeit and pay a sum of not more than twenty dollars. Penalty for molesting led dog.

SEC. 9. If any owner or possessor of a fierce or dangerous dog permit the same to go at large in the District of Columbia, to the danger or annoyance of the inhabitants, he shall forfeit and pay, for the first offense, ten dollars; for the second, a sum not exceeding twenty dollars; and upon a third conviction for the same offense, the Commissioners shall immediately cause the dog, upon account of which the conviction takes place, to be slain and buried. —for permitting dangerous dogs to go at large, &c.

SEC. 10. That all acts or parts of acts now in force in the District of Columbia inconsistent with the provisions of this act be, and the same are hereby, repealed. [*June* 19, 1878.] Repeal.

CHAPTER 324.

AN ACT TO AID VESSELS WRECKED OR DISABLED IN THE WATERS CONTERMINOUS TO THE UNITED STATES AND THE DOMINION OF CANADA.

June 19, 1878.
20 Stat. L., 175.

Canadian vessels may aid wrecked vessels in United States waters.
—after issue of proclamation of reciprocity.
—not after reciprocity has ceased.

Be it enacted, &c., That Canadian vessels of all descriptions may render aid or assistance to Canadian or other vessels wrecked or disabled in the waters of the United States contiguous to the Dominion of Canada: Canadian vessels may aid wrecked vessels in United States waters.

Provided, That this act shall not take effect until proclamation by the President declaring that the privilege of aiding American or other vessels wrecked or disabled in Canadian waters contiguous to the United States has been extended by the government of the Dominion of Canada and declaring this act to be in force: —after issue of proclamation of reciprocity.

And provided further, That this act shall cease to be in force from and after the date of proclamation by the President to the effect that said reciprocal privilege has been withdrawn or revoked by the said Government of the Dominion of Canada. [*June* 19, 1878.] —not after reciprocity has ceased.

CHAPTER 326.

AN ACT TO DETACH CERTAIN TERRITORY FROM THE EASTERN JUDICIAL DISTRICT OF MICHIGAN AND TO ATTACH THE SAME TO THE WESTERN JUDICIAL DISTRICT OF MICHIGAN, AND TO PROVIDE FOR DIVISIONS IN SAID WESTERN DISTRICT AND FOR HOLDING THE DISTRICT AND CIRCUIT COURTS THEREIN, AND FOR OTHER PURPOSES.

June 19, 1878.
20 Stat. L., 175.

SECTION
1. Western judicial district of Michigan to include certain counties heretofore in eastern district.
2. —divided into southern and northern divisions.
Circuit and district courts to hold two terms annually in each division.
—terms of, in southern division at Grand Rapids.
—terms of, in northern division at Marquette.
Issues of fact; where to be tried.
3. Suits; in what division to be brought.
4. Clerk of western district; where to reside and keep office.
—deputy, and his duty.
5. District attorney and marshal.
Marshal's office and deputy at Marquette.
6. Criminal causes; where to be tried.
Juries for both courts, &c.
—how drawn, &c.
7. Pending cases in eastern district.
8. Repeal.
9. District court for eastern district of Michigan to be held at Port Huron.

Be it enacted, &c.

[SECTION 1], That the counties of Chippewa, Schoolcraft, Marquette, Houghton, Keweenaw, Ontonagon, Isle Royale, Baraga, and Mackinaw being and including all that portion of the territory and waters of said eastern district lying in the upper peninsula of Michigan be and the same are hereby detached from the eastern judicial district of Michigan and attached to the western judicial district of said State. Western judicial district of Michigan to include certain counties heretofore in eastern district.
R. S., § 538.

SEC. 2. That for the trial and determination of all causes and proceedings cognizable and triable in the circuit and district courts of the United States for the western district of Michigan as bounded and de- —divided.

scribed in this act, the said district shall consist of two divisions known respectively as the southern and northern divisions of said district.

Southern and northern divisions.

The southern division shall comprise all that portion of said district lying and being in the lower peninsula of said State, and the northern division of said district shall comprise all the territory and waters of the entire upper peninsula of said State;

Circuit and district courts to hold two terms annually in each division. R. S., §§ 572, 658.

And there shall be two regular terms of the circuit and district courts begun and held in each of the divisions of said western district annually.

—terms of, in southern division at Grand Rapids.

The regular terms of the circuit and district courts in said southern division shall be held at the city of Grand Rapids, commencing on the first Tuesdays of March and October in each year.

—terms of, in northern division at Marquette.

The regular terms of the circuit and district courts in said northern division shall be held at the city of Marquette, commencing upon the first Tuesdays of May and September in each year.

Issues of fact; where to be tried.

And all issues of fact shall be tried at the terms of said courts to be held in the division where such suits shall hereafter be commenced;

But nothing herein contained shall prevent the said circuit and district courts from regulating by general rule the venue of transitory actions, either in law or in equity, and from changing the same for cause.

Suits; in what divisions to be brought.

SEC. 3. That all suits and proceedings hereafter to be brought in the said circuit or district courts not of a local nature, shall be brought in a court of the division of the district where the defendant resides;

But if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either divisions and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper division of the said district;

And the said writs when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Clerk of western district; where to reside and keep office.

SEC. 4. The clerk of the circuit and district courts for the western district of Michigan shall reside and keep his office at Grand Rapids, and shall also appoint a deputy clerk for said courts held at Marquette, who shall reside and keep his office at that place;

—deputy, and his duty.

And said deputy clerk shall keep in his office full records of all actions and proceedings in the said circuit and district courts for the northern division of said district held at that place, and shall have the same power to issue all processes from the said courts and perform any other duty that is or may be given to the clerks of other circuit and district courts in like cases.

District attorney and marshal.

SEC. 5. That the district attorney and marshal of the said western district of Michigan shall respectively perform the duties of district attorney and marshal for the southern and northern divisions of said district as established by this act.

Marshal's office and deputy at Marquette.

The marshal of said district shall keep an office and a deputy marshal at Marquette in the northern division of said district.

Criminal causes; where to be tried.

SEC. 6. Any person charged with violating any of the penal or criminal statutes of the United States of which the said circuit or district courts have jurisdiction, shall be proceeded against by indictment or otherwise, within the division of said district where the alleged offense or offenses shall be committed, and shall have his or her trial at a term of the said court held in said division, unless for cause shown, the judge shall otherwise direct;

Juries for both courts, &c.

And one grand and one petit jury only shall be summoned, and serve in both said courts at each term thereof;

—how drawn, &c.

And jurors shall be selected and drawn from the division of the said district in which they reside and in which the terms of the said circuit and district courts to which they are summoned are held.

Pending causes in eastern district.

SEC. 7. This act shall not affect or in any wise interfere with causes of action now pending in the circuit and district courts for the eastern

district of Michigan, but the same may be proceeded with in the same manner as though this act had not been passed:

Provided, however, That upon cause shown, the circuit and district courts for the eastern district may transfer civil causes arising in that portion of said district detached therefrom by this act to the circuit and district courts for the northern division of the western district of Michigan, provided for in this act.

The circuit and district courts for the eastern district of Michigan shall continue to have the same jurisdiction in reference to all crimes and offenses committed prior to the passage of this act in any portion of the State of Michigan by this act detached from said eastern district and attached to said western district.

Repeal.

SEC. 8. All provisions of law in conflict with this act are hereby repealed.

District court for eastern district of Michigan to be held at Port Huron.

SEC. 9. There shall be one or more terms of the district court for the eastern district of Michigan, held annually at the United States court room in the city of Port Huron in said district, in the discretion of the judge of said district court, and at such times as he shall appoint therefor. [*June* 19, 1878.]

R. S., § 572.

CHAPTER 327.

AN ACT TO LEGALIZE THE COLLECTION OF HEAD-MONEYS ALREADY PAID.

June 19, 1878.

20 Stat. L., 177.

Head-money collected by States, &c., prior to January, 1877, not to be recovered back.

Head-money collected by States, &c., prior to January, 1877, not to be recovered back.

7 How., 283.
11 Pet., 103.
16 Blatch., 296.
92 U. S., 259.

Be it enacted, &c., That the acts of every State and municipal officer or corporation of the several States of the United States in the collection of head-moneys prior to the first day of January, eighteen hundred and seventy-seven, from the master, consignee, or owner of any vessel bringing passengers to the United States from a foreign port, pursuant to the then existing laws of the several States, shall be valid, and no action shall be maintained against any such State or municipal officer or corporation for the recovery of any moneys so paid or collected prior to said date. [*June* 19, 1878.]

CHAPTER 329.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

June 19, 1878.

20 Stat. L., 178.

SECTION

1. *Par.* 1. Compensation of Capitol police.
   Par. 2. Architect of Capitol under control of Speaker, to have charge of engineers, &c., engaged in heating and ventilating House of Representatives.
   Par. 3. Clerks, &c., for Executive Mansion.
   One of executive clerks to sign patents.
   Employés at Executive Mansion.
   — additional in certain cases.
   Two horses for messengers.
   No details from departments to be made.
   Par. 4. Pay of internal-revenue gaugers.
   Par. 5. Commissioner of Internal Revenue to make annual statement to Congress as to money paid for detecting frauds.
   Par. 6. — may employ internal-revenue agents.
   Par. 7. Special agents may be employed in customs service at six dollars a day.
   Par. 8. Refining, &c., bullion to be carried on at mints and at assay-office at New York.
   Par. 9. All mints and assay-offices may pay coin and bars or coin certificates to depositors under rules, &c., of Secretary of Treasury, &c.

SECTION

1. *Par.* 9. — charges collected of depositors at; how may be used.
   Par. 10. Number and pay of members of Territorial legislatures prescribed.
   Territories to be divided into council and representative districts.
   Subordinate officers of Territorial legislatures.
   Secretaries of Territories allowed fees in certain cases.
   Expenses for public printing by Territories not to exceed $2,500 a year.
   Par. 11. Secretary of War may detail twenty enlisted men for Surgeon-General's Office.
   Par. 12. — and ten in office of Chief of Ordnance.
   Par. 13. Salary of superintendent of public documents.
   Par. 14. Lands in States where there are no land-offices may be entered at General Land Office.
   — fees for entry to be paid into Treasury.
   Par. 15. Circuit court clerks; how appointed.
   Par. 16. Repeal of permanent appropriation for salaries of Southern Claims Commission.
   Par. 17. Office of naval solicitor abolished.
3. Repeal.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

CAPITOL POLICE. (1)

Compensation of Capitol police. R. S., § 1822. 14 Ct. Cls., 78.

[*Par.* 1.] For one captain, one thousand six hundred dollars; three lieutenants at one thousand two hundred dollars each; twenty one privates, at one thousand dollars each; and six watchmen, at nine hundred dollars each.

* * * * * * *

Architect of Capitol, under control of Speaker, to have charge of engineers, &c., engaged in heating and ventilating House of Representatives.

[*Par.* 2.] All engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

R. S., §§ 1816–1819. 1877, March 3, ch. 105, par. 3.

EXECUTIVE.

* * * * * * *

Clerks, &c., for Executive office and Mansion. R. S., § 155.

[*Par.* 3.] For compensation to the following in the office of the President of the United States:

Private Secretary, three thousand two hundred and fifty dollars;

Assistant secretary, two thousand two hundred and fifty dollars;

Two executive clerks, at two thousand dollars each;

Stenographer, one thousand eight hundred dollars;

Steward, at one thousand eight hundred dollars;

And messenger and usher, at one thousand two hundred dollars; * *

One of executive clerks to sign patents. R. S., § 450.

And the duties prescribed by section of the Revised Statutes numbered four hundred and fifty shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose.

Employés at Executive Mansion.

For the following employees at the Executive Mansion, namely:

For furnace-keeper, eight hundred and sixty-four dollars;

One night-watchman, at nine hundred dollars;

One night usher, at one thousand two hundred dollars;

Two day ushers, one at the President's door, at one thousand four hundred dollars, and one at the door of the secretary, at one thousand two hundred dollars;

And two door-keepers, at one thousand two hundred dollars each; * *

—additional in lieu of details.

Also for the following additional employees for the Executive Office in lieu of those at present detailed from other departments, namely:

For one clerk of class four;

One clerk of class two;

And one clerk of class one;

One telegraph-operator, one thousand one hundred dollars;

And four messengers, at one thousand two hundred dollars each;

In all, ten thousand three hundred dollars.

Two horses for messengers.

And the Secretary of War is authorized to furnish two horses for the use of two of said messengers on public business;

No details from departments to be made.

And the force above enumerated for the use of the Executive Office and Mansion shall be in full for the same; and all details from other departments for such service are hereby excluded.

* * * * * * *

Internal Revenue.

[*Internal revenue.*]

Pay of internal-revenue gaugers. R. S., § 3157. 1874, June 20, ch. 328, § 1, par. 9. 1875, March 3, ch. 129, § 1, par. 2.

[*Par.* 4.] Hereafter the compensation of gaugers shall not exceed five dollars per day while actually employed

* * * * * * *

NOTE.—(1) This provision, although it makes an appropriation for only one year, and so is not permanent and continuing, is inserted here because it differs from Revised Statutes, § 1822, where a larger salary is named for those officers. But it has been judicially determined that the true construction of the law, as expressed by that section, in connection with the previous § 1821, as modified by the act of 1874, January 20, ch. 11, and as indicated by the course of legislation from an early period, is that the compensation of the Capitol police depends upon annual appropriations, and that they are not salaried officers.—*Bradshaw's case*, 14 C. Cls., 78.

[*Par.* 5.] For detecting, and bringing to trial and punishment, persons guilty of violating the internal-revenue laws, or accessory to the same, including payments for information and detection, seventy-five thousand dollars; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum.

Commissioner of Internal Revenue to make annual statement to Congress as to money paid for detecting frauds.
R. S., § 3463.

[*Par.* 6.] And section thirty-one hundred and fifty-two of the Revised Statutes is hereby so amended as to permit of the employment of thirty-five agents in lieu of the number therein named.

—may employ 35 internal-revenue agents.
R. S., § 3152.
1879, March 1, ch. 125, § 2.

[*Par.* 7.] And the Secretary of the Treasury is hereby authorized to employ eight additional special agents in the customs service at a compensation of not exceeding six dollars per day, in the discretion of the Secretary, and actual traveling expenses when actually employed in the duties of such agency.

Eight additional special agents may be employed in customs service at six dollars a day.
R. S., § 2649.
1876, Aug. 15, ch. 287, par. 6.

* * * * * * *

[*Par.* 8.] And refining and parting of bullion shall be carried on at the mints of the United States and at the assay-office at New York.

Refining, &c., bullion to be carried on at mints and at assay-office at New York.
R. S., § 3546.
1879, March 3, ch. 182, § 1.

And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law so far as may be necessary to the defraying in full of the expenses thereof, including labor, materials, and wastage;

But no part of the moneys otherwise appropriated for the support of the mints and the assay-office at New York shall be used to defray the expenses of refining and parting bullion;

But when the bullion received shall not, in the aggregate, be in such proportion of gold and silver as to admit of economical parting, or the necessary supplies of acids cannot be procured at reasonable rates, unparted bullion may be exchanged for fine bars, as provided in section thirty-five hundred and forty-six of the Revised Statutes of the United States.

* * * * * * *

[*Par.* 9.] And for the purpose of enabling the several mints and assay-offices of the United States to make returns to depositors with as little delay as possible, the provisions of section thirty-five hundred and forty-five of the Revised Statutes of the United States shall hereafter apply to the several mints and assay-offices of the United States;

All mints and assay-offices may pay coin or coin certificates to depositors under rules, &c., of Secretary of Treasury.
R. S., §§ 254, 3545.
1879, March 3, ch. 182, § 1.

And the Secretary of the Treasury is hereby authorized to use, as far as he may deem it proper and expedient, for payment to depositors of bullion at the several mints and assay-offices, coin certificates, representing coin in the Treasury, and issued under the provisions of section two hundred and fifty-four of the Revised Statutes of the United States; all of said acts and duties to be performed under such rules and regulations as shall be prescribed by the Secretary of the Treasury.

And it shall be lawful to apply the moneys arising from charges collected from depositors at the several mints and assay-offices pursuant to law, to defraying the expenses thereof, including labor, material, wastage, and use of machinery;

—charges collected of depositors at; how may be used.

* * * * * * *

GOVERNMENT IN THE TERRITORIES.

[*Par.* 10.] That from and after the adjournment of the next session of the several Territorial Legislatures the council of each of the Territories of the United States shall not exceed twelve members and the House of Representatives of each shall not exceed twenty-four members, and the members of each branch of the said several legislatures shall receive a compensation of four dollars per day each during the sessions provided by law, and shall receive such milage as the law provides;

Number and pay of members of Territorial legislatures prescribed.
R. S., §§ 1846, 1853, 1922.
1879, June 27, ch. 40.

And the President of the Council and the Speaker of the House of Representatives shall each receive six dollars per day for the same time.

Territories to be divided into council and representative districts, &c.
R. S., §§ 1847, 1849, 1853, 1922.

And the several Legislatures at their next sessions are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable taking into consideration population, except "Indians not taxed": *Provided*, the number of council districts shall not exceed twelve, and the representative districts shall not exceed twenty four in any one of said Territories, and all parts of sections eighteen hundred and forty-seven, eighteen hundred and forty-nine, eighteen hundred and fifty-three, and nineteen hundred and twenty-two of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

Subordinate officers of Territorial legislatures.
Repealing—
R. S., § 1861.

That the subordinate officers of each branch of said Territorial legislatures shall consist of one chief clerk, who shall receive a compensation of six dollars per day; one enrolling and engrossing clerk, at five dollars per day; sergeant-at-arms and doorkeeper, at five dollars per day; one messenger and watchman, at four dollars per day each; and one chaplain, at one dollar and fifty cents per day.

Said sums shall be paid only during the sessions of said legislatures; and no greater number of officers or charges per diem shall be paid or allowed by the United States to any Territory.

And section eighteen hundred and sixty-one of the Revised Statutes is hereby repealed, and this substituted in lieu thereof:

Secretaries of Territories allowed fees in certain cases.
R. S., § 1843.

Provided, That for the performance of all official duties imposed by the Territorial legislatures, and not provided for in the organic act, the secretaries of the Territories respectively shall be allowed such fees as may be fixed by the Territorial legislatures.

Expenses for public printing by Territories not to exceed $2,500 a year.
R. S., § 1887.

And in no case shall the expenditure for public printing in any of the Territories exceed the sum of two thousand five hundred dollars for any one year.

* * * * * * *

Secretary of War may detail 20 enlisted men for Surgeon-General's office.
R. S., § 1168.

[*Par.* 11.] In the office of the Surgeon-General * * * *Provided*, That the Secretary of War, if the public necessity so require, may detail not exceeding twenty enlisted men for clerical service in this bureau.

* * * * * * *

—and ten in office of Chief of Ordnance.
R. S., § 1159.

[*Par.* 12.] In the office of the Chief of Ordnance * * * *Provided*, That the Secretary of War is hereby authorized to employ in this bureau not exceeding ten enlisted men.

* * * * * * *

Salary of superintendent of public documents.
R. S., § 507.

[*Par.* 13.] For salary of the superintendent of the same [*public documents*], one thousand nine hundred dollars; and so much of section five hundred and seven of the Revised Statutes as provides for said salary is hereby repealed.

* * * * * * *

Lands in States where there are no land-offices may be entered at General Land Office.
R. S., §§ 2248–2256.

[*Par.* 14.] That public lands situated in States in which there are no land-offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record.

—fees for entry to be paid into Treasury.

And moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury.

* * * * * * *

Circuit courts; clerks how appointed.
R. S., § 619.
1874, June 22, ch. 401, § 3.

[*Par.* 15.] Section six hundred and nineteen of the Revised Statutes of the United States be amended to read as follows:

"All the circuit courts of the United States shall have the appointment of their own clerks, the circuit and district judges concurring;

And in case of a disagreement between the judges, the appointment shall be made by the associate justice of the Supreme Court allotted to such circuit, except in cases otherwise specially provided for by law."

* * * * * * *

[*Par.* 16.] So much of section thirty-six hundred and eighty-nine of the Revised Statutes of the United States as makes the appropriation for "Salaries and expenses of Southern Claims Commission" permanent annual appropriations is hereby repealed.

Repeal of permanent appropriation for salaries of Southern Claims Commission.
R. S., § 3689, 2d ed., p. 724.

* * * * * * *

[*Par.* 17.] So much of section three hundred and forty-nine of the Revised Statutes as provides for the appointment and payment of a salary to a "naval solicitor" is hereby repealed, and the office is abolished.

Office of naval solicitor abolished.
R. S., § 349.
1880, June 8, ch. 129.

* * * * * * *

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [*June* 19, 1878.]

Repeal.

CHAPTER 359.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

June 20, 1878.
20 Stat. L., 206.

SECTION 1.

Par. 1. Binding, &c., at Government Printing Office; what may be done and how executed.
Estimates for printing to be made and cost charged to departments, &c.
— three clerks may be employed for, by Public Printer.
Par. 2. District Commissioners to fix pay of Metropolitan Police and of Gas Company for lighting city lamps.
Expenses therefor and for board of health, &c., to be paid by District.
Par. 3. National Soldiers' and Sailors' Orphan Home discontinued.
Par. 4. Pier at Portage Lake Ship Canal, Lake Superior, may be leased by Light-House Board for pier-head light, &c.
Par. 5. Charts of Coast Survey to be sold at cost, and not distributed free, except, &c.
Par. 6. Public advertisements and notices to be paid for at commercial rates.
— lower terms may be made.
Par. 7. Inspectors of customs employed at night to be paid not exceeding $2.50 per night.
Par. 8. Enlisted force of Signal Service; of what to consist; extra pay of.
Par. 9. Military telegraph line from Bismarck to Fort Ellis.
— private dispatches may be transmitted over.
— to be maintained, &c., under direction of Secretary of War.
Par. 10. Public greenhouses, &c., in Washington; what trees may be propagated.
Par. 11. Not more than $25 to be paid for gas for street lamp, &c., lamps in Washington.

SECTION 1.

Par. 12. Purchases for National Home for Volunteer Soldiers to be made upon public tender, except, &c.
Par. 13. Machine for testing iron and steel to be set up by Secretary of War for use by all persons on payment of fees.
Par. 14. Free wagon-bridge across Mississippi River at Fort Snelling.
— height and span of.
— to be a public highway.
— location of, and payment for.
— to be kept in repair by Ramsey County, Minnesota.
— may abut on land of Fort Snelling reservation.
— right of way from, over Fort Snelling reservation.
Par. 15. Secretary of Interior to lease sites for bath-houses, &c.
Par. 16. Removal of Apaches and Ute Indians to New Mexico.
— thereafter rations, &c., not to be issued except at their reservation.
Par. 17. Western judicial district of Tennessee divided into two divisions, eastern and western.
Terms of courts in.
Suits in said district; in which division to be brought.
Duplicate writs in certain cases.
Deputy clerk for eastern division.
Deputy marshal for eastern division.
Par. 18. Postmaster-General may adopt uniform canceling ink or appliances for canceling stamps.

Be it enacted, &c.

[SECTION 1.] * * * * *

[*Par.* 1.] Hereafter no binding shall be done for any department of the government except in plain sheep or cloth, and no books shall be printed and bound except when the same shall be ordered by Congress or are authorized by law, except record and account books which may be bound in Russia leather sheep fleshers and skivers, when authorized by the head of a department, and this restriction shall not apply to the Congressional Library.

Binding, &c., at the Government Printing Office; what may be done and how executed.
R. S., §§ 3785, 3790.
1879, Jan. 27, ch. 27.
1879, Feb. 26, ch. 106. 16 Opin. Att'y-Gen., 57.

And when any department shall require printing to be done the Public Printer shall furnish to such department an estimate of the cost by the principal items for said printing so called for; and he shall place to the debit of such department the cost of the same, on certification of the head of the department, Supreme Court, Court of Claims, or Library of Congress, that said printing is necessary;

Estimates for printing to be made and cost charged to departments, &c.
R. S., § 3786.

dred feet in the clear be provided from the right or Fort Snelling bank of said river toward the left bank thereof:

Wagon-bridge at Fort Snelling to be a public highway.

Provided further, That said bridge shall be and forever remain, a public highway, free to the United States of America and to all the people thereof.

—location of and payment for.

That the location of said bridge, and the plans, specifications, and estimates for the construction and completion thereof, shall be approved by the Secretary of War.

And whenever the said bridge shall have been fully completed as hereinbefore provided, opened to travel, and irrevocably dedicated as a public highway, free to the United States of America and all the people thereof, the Secretary of the Treasury shall pay to the persons entitled to receive the same by reason of the construction of said bridge, or to the commissioners authorized to build said bridge, the said sum of sixty-five thousand dollars, which sum is hereby appropriated for said purpose:

—to be kept in repair by Ramsey County, Minnesota.

Provided, That said bridge, when constructed, shall be kept in good order and repair by the county of Ramsey, Minnesota; and the United States shall never be liable to any expense in the maintenance or repair of said bridge.

—may abut on land of Fort Snelling reservation.

That the commissioners authorized to build said bridge under a special act of the legislature of Minnesota, entitled "An act to authorize and provide for the construction of a free bridge across the Mississippi River at or near Fort Snelling, and to lay out suitable roads and approaches thereto", approved March second, eighteen hundred and seventy-six, and the acts amendatory thereof, and their successors, be, and they are hereby, authorized to abut said bridge upon the lands of the United States known as the Fort Snelling military reservation, and to construct and maintain an abutment thereon for said bridge, at such point as the Secretary of War shall approve, and to survey locate, open and maintain public roads or highways from said bridge;

—right of way from, over Fort Snelling reservation.

For which purpose a right of way not exceeding one hundred feet in width, from said bridge, across said military reservation, upon such line or lines as the Secretary of War shall direct or approve, is hereby given and granted to said commissioners and their successors.

* * * * * * *

Secretary of Interior to lease bath-houses and sites for bath-houses at Hot Springs.
1877, March 3, ch. 108, § 4.
1878, Dec. 16, ch. 5.

[*Par.* 15.] He [*the Secretary of the Interior*] is further directed to lease the bath-houses of a permanent nature now upon the Hot Springs Reservation, to the owners of the same and lease to any person or persons, upon such terms as may be agreed on, sites for the building of other bath-houses, for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe; and the tax imposed shall not exceed fifteen dollars per tub per annum including rent:

* * * * * * *

Removal of Apache and Ute Indians to New Mexico.

[*Par.* 16.] That the sum of five thousand dollars or so much thereof as may be necessary, is hereby appropriated to pay the expenses of the removal of the band of Ute Indians at Cimarron, New Mexico, to the reservation of that tribe in Colorado; and also to remove the band of Apaches at the same place to the Mescalero Apache reservation at Fort Stanton, New Mexico; and the President shall cause the removal of said Indians within thirty days after the passage of this act,

—thereafter rations, &c., not to be issued except at their reservations.
1880, April 23, ch. 61.

And thereafter no rations or annuities shall be issued to said Indians except at the agencies of their respective reservations.

* * * * * * *

Western judicial district of Tennessee divided into two divisions. R. S., §547. 1878, June 14, ch. 196.

[*Par.* 17.] That the act entitled "An act to provide for the appointment of a District Judge for the Western District of Tennessee and for other purposes" approved June fourteen, eighteen hundred and seventy eight, be, and the same is hereby, amended as follows:

The Western District of Tennessee is hereby divided into two divisions which shall be known as the Eastern and Western divisions thereof.

The Eastern division shall include the counties of Benton, Carroll, Decatur, Gibson, Henderson, Henry Madison, McNairy, Hardin, Dyer, Lake, Crockett, Weakley, and Obion, and terms of the circuit and district courts of the United States for said District shall be held therein at the town of Jackson, in the County of Madison at least twice in each year at such times as the judges thereof shall respectively fix, whenever the authorities of said county or town shall provide suitable buildings therefor free of any expense to the United States.

Western district of Tennessee: eastern division and terms of courts therein.
1879, March 3, ch. 182, par. 15.

The remaining counties embraced in said District shall constitute the Western division thereof, and terms of the district and circuit courts of the United States for said district shall be held therein at the times and place now prescribed by law.

—western division and terms of courts therein.

All suits not of a local character which shall be hereafter brought in the district or circuit court of the United States for the Western district of Tennessee, against a single defendant, or where all the defendants reside in the same division of said district shall be brought in the division in which the defenda[e]nt or defendants reside, but if there are two or more defendants residing in different divisions, such suit may be brought in either division, and duplicate writs may be sent to the other defendants.

Suits in said district; in which division to be brought.

The Clerk issuing such duplicate writs shall endorse thereon that it is a true copy of a writ sued out in the proper division of the District and the original and duplicate writs when executed and returned into the office from which they shall have issued shall be proceeded in as one suit, and all issues of fact in such suits shall be tried in the division where the suit is so brought.

Duplicate writs in certain cases.

The Clerks of the Circuit and district courts for said district shall each appoint a deputy of their respective courts at the place in the Eastern division of said district where their said courts are required to be held, who shall in the absence of the Clerk, exercise all the powers, and perform all the duties of Clerk within said division:

Deputy clerks for eastern division.
R. S., §§ 558, 624.

Provided, That the appointments of such deputies shall be approved by the Court for which they shall be respectively appointed and may be annulled by such Court at its pleasure.

The marshal of said district shall also appoint a deputy for said Eastern division, who shall reside therein, and in the absence of the marshal, perform all the duties devolved upon the marshal by law. * * *

Deputy marshal for eastern division.
R. S., § 780.

[*Par.* 18.] That the Postmaster-General be, and he is hereby, authorized to adopt a uniform canceling ink or other appliance for canceling stamps which experiments and tests have proved or may prove to be the most practicable and the best calculated to protect the revenues of the department from the frauds practiced upon it, to be used in all the post-offices where stamps are canceled, and he is hereby authorized to distribute said canceling ink or other appliance in the same manner as other supplies are now distributed to the different post-offices in the United States;

Postmaster-General may adopt uniform canceling ink or appliance for canceling stamps.
R. S., § 3941.

And to this end the Postmaster-General is hereby authorized to use any funds of said department heretofore applicable:

Provided, The same shall not increase the expenditures of said department for the purposes named in this section. [*June* 20, 1878.]

CHAPTER 366.

AN ACT TO AMEND SECTION TWENTY-FIVE HUNDRED AND SEVENTEEN OF THE REVISED STATUTES OF THE UNITED STATES, MAKING GARDINER AND RICHMOND, IN MAINE, PORTS OF ENTRY. (1)

June 20, 1878.
20 Stat. L., 243.

Gardiner and Richmond, Me., to be ports of *delivery*.

Be it enacted, &c., That section twenty-five hundred and seventeen of the Revised Statutes of the United States is hereby amended by inserting in article ten, after the words "Bowdoinham", the words "Gardiner and Richmond".(1) [*June* 20, 1878.]

Gardiner and Richmond, Me., to be ports of delivery.
R. S., § 2517, art. 10.

NOTE.—(1) The amendment makes Gardiner and Richmond ports of delivery, and not ports of entry as the title of this act would indicate.

CHAPTER 367.

June 20, 1878.

AN ACT RELATING TO CLAIM AGENTS AND ATTORNEYS IN PENSION CASES

20 Stat. L., 243.

SECTION
1. Attorneys, agents, &c., in pension cases not to receive more than $10 fee, and fee-contracts not to be filed, &c.
— fees of, not to be deducted and paid to, by pension agent.
2. Repeal.

Be it enacted, &c.

Attorneys, agents, &c., in pension cases not to receive more than $10 fee, and fee-contracts not to be filed, &c.
R. S., §§ 4785, 4786.
1879, Jan. 25, ch. 23, § 4.
1881, March 3, ch. 130, par. 2.

[SECTION 1], It shall be unlawful for any attorney, agent or other person to demand or receive for his services in a pension case a greater sum than ten dollars.

No fee contract shall hereafter be filed with the Commissioner of Pensions in any case.

In pending cases in which a fee contract has heretofore been filed, if the pension shall be allowed, the Commissioner of Pensions shall approve the same as to the amount of the fee to be paid at the amount specified in the contract.

— fees of, not to be deducted and paid to, by pension agent.
R. S., §§ 4768, 4769, 4786.

Sections forty-seven hundred and sixty-eight forty-seven hundred and sixty-nine and forty-seven hundred and eighty-six of the Revised Statutes shall not apply to any case or claim hereafter filed, nor to any pending claim in which the claimant has not been represented by an agent or attorney prior to the passage of this act.

Repeal of R. S., § 4785.

SEC. 2. Section forty-seven hundred and eighty-five of the Revised Statutes is hereby repealed. [*June* 20, 1878.]

RESOLUTIONS.

NUMBER 13.

March 9, 1878.

JOINT RESOLUTION PROVIDING FOR ISSUING ARMS AND AMMUNITION TO THE TERRITORY OF IDAHO UNDER THE ACT APPROVED JULY THIRD, EIGHTEEN HUNDRED AND SEVENTY-SIX.

20 Stat. L., 248.

Arms to be issued to Idaho.

Arms to be issued to Idaho.
R. S., § 1667.
1878, May 16, ch. 106.
See Res. 1876, No. 13, p. 253; 1877, No. 7, p. 302.

Be it resolved, &c., That the Secretary of War be, and he is hereby, empowered to issue arms and ammunition to said Territory, upon the requisition of its governor, under provision of joint resolution approved July third, eighteen hundred and seventy-six. [*March* 9, 1878.]

NUMBER 16.

March 28, 1878.

JOINT RESOLUTION TO PRESCRIBE THE TIME FOR THE PAYMENT OF THE TAX ON DISTILLED SPIRITS, AND FOR OTHER PURPOSES.(1)

20 Stat. L., 249.

SECTION
1. Tax on spirits payable on withdrawal from warehouse within three years, and bond given accordingly.
2. Time for payment of tax and withdrawal of spirits now in warehouses; how may be extended.
3. Tax to bear interest after spirits are warehoused one year.
— how collected in such case.
4. Act not to apply to grape-brandy.

Be it resolved, &c.

Tax on spirits payable on withdrawal from warehouse within three

[SECTION 1], (**Rep.**) [That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom, and within

NOTE.—(1) This resolution is repealed by act of 1880, May 28, ch. 108, § 4.

three years from the date of the entry for deposit therein; and warehousing bonds hereafter taken under the provisions of section thirty-two hundred and ninety-three of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry, and the interest on the tax, if any has accrued under the provisions of this resolution, before removal from the distillery warehouse, and within three years from the date of said bonds.] years, and bond given accordingly. R. S., § 3293. 1879, March 1, ch. 125, § 5.

SEC. 2. (**Rep.**) [That the time within which distilled spirits heretofore entered for deposit in distillery warehouses are required to be withdrawn therefrom pursuant to the conditions of any warehousing bond, taken within one year prior to the passage of this resolution, upon the entry of such spirits into such warehouse under the provisions of section thirty-two hundred and ninety-three of the Revised Statutes of the United States, shall, on written request being made, as herein specified be extended for a period not exceeding three years from the date of the entry of such spirits into the warehouse; but such extension shall not be made in any case unless there shall be indorsed upon, or appended to, the warehousing bond a written request therefor, and an acknowledgment of their liability, under the terms of said bond, for the period for which the extension is granted, together with interest on the tax if any has accrued under the provisions of this resolution, as if the same were inserted in the body of said bond, to be duly executed by the principal and sureties in the bond, and acknowledged by each of them before a collector or deputy collector of internal revenue, or some other officer authorized by law to take the acknowledgment of deeds: Time for payment of tax and withdrawal of spirits now in warehouses; how may be extended. R. S., § 3293.

Provided, That the sureties on said bond are, at the time of such request, satisfactory to the collector, and, if not satisfactory, or if the sureties shall refuse to make the request and acknowledgment aforesaid, that an additional or new warehousing bond, with sureties satisfactory to the collector, shall be given.]

SEC. 3. (**Rep.**) [That in case of the non-payment of the tax on any distilled spirits within one year from the date of the original warehousing bond for such spirits, interest shall accrue upon said tax at the rate of five per centum per annum from and after the expiration of said year until the tax shall be paid. Tax to bear interest after spirits are warehoused one year.

Such interest shall be collected with the tax in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe:

Provided, That the tax or duty paid on all distilled spirits when the same are withdrawn shall be the amount of duty and tax which would have been paid, if paid when such distilled spirits was placed in bond with such accrued interest thereon.] —how collected in such case.

SEC. 4. (**Rep.**) [That the provisions of this resolution shall not apply to grape-brandy warehoused under the provisions of an act entitled "An act relating to the production of fruit-brandy, and to punish frauds connected with the same", approved March third, eighteen hundred and seventy-seven.] [*March* 28, 1878.] Act not to apply to grape-brandy. 1877, March 3, ch. 114.

NOTE.—The above act is repealed by act of 1880, May 28, ch. 108, § 4.

NUMBER 22.

JOINT RESOLUTION PROVIDING FOR THE DISTRIBUTION AND SALE OF THE NEW EDITION OF THE REVISED STATUTES OF THE UNITED STATES.

May 22, 1878.
20 Stat. L., 251.

Distribution of second edition of Revised Statutes. Secretary of State to keep copies for sale. | —may make arrangements with booksellers. Additional copies to be printed when needed.

Resolved, &c., That the fifteen thousand copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the "Act to provide for the preparation and publication of a new edition of the Revised Statutes of the United Distribution of second edition Revised Statutes. 1877, March 2, ch. 82.

1878, Dec. 21, Res. No. 1, p. 481.

States", approved March second, eighteen hundred and seventy-seven, to be printed and bound, shall be disposed of by the Secretary of State as follows:

To the President of the United States, four copies, one of which shall be for the library of the Executive Mansion, and one copy for the use of the Commissioner of Public Buildings;

To the Vice-President of the United States, two copies;

To each Senator, Representative, and Delegate in Congress, to the Secretary of the Senate and to the Clerk of the House of Representatives, one copy;

To the librarian of the Senate, for the use of Senators, one hundred and twenty copies;

To the librarian of the House, for the use of Representatives and Delegates, four hundred and ten copies;

To the Senate of the United States, for distribution, seven hundred and sixty copies;

To the House of Representatives, for distribution, two thousand nine hundred and twenty copies;

To the Library of Congress, fourteen copies, including four copies for the law library;

To the Department of State, for the use of legations and consulates, three hundred and eighty copies;

To the Treasury Department, including those for the use of officers of customs, two hundred and eighty copies;

To the War Department, including five copies for the use of the Military Academy at West Point, fifty-five copies;

To the Navy Department, including three copies for the library of the Naval Academy at Annapolis, a copy for the library of each navy-yard in the United States, a copy for the Brooklyn Naval Lyceum, and a copy for the library of the Naval Institute at Charlestown, Massachusetts, seventy copies;

To the Department of the Interior, including those for the use of the surveyors-general and registers and receivers of land offices, two hundred and fifty-five copies;

To the Department of Justice, including those for the use of the Chief and Associate Justices of the Supreme Court, the judges and officers of the United States and Territorial courts, four hundred and fifty copies;

To the Department of Agriculture, five copies; to the Smithsonian Institution, two copies;

To the Government Printing Office, two copies;

And the Secretary of State shall supply deficiencies and offices newly created.

Secretary of State to keep copies for sale.

And that the residue of said fifteen thousand volumes, together with any further number thereafter printed and bound, shall, by the Secretary of State, be sold at the cost of paper, press-work, and binding, with ten per centum added thereto;

—may make arrangements with booksellers.

And said Secretary is authorized to make arrangements with booksellers to keep on sale said Revised Statutes, to be sold as aforesaid, for such part of the ten per centum above actual cost as he may deem just and reasonable.

Additional copies to be printed when needed.

And whenever the said residue of said fifteen thousand copies shall be exhausted, said Secretary shall cause another five thousand copies to be printed and bound, at the expense of the United States, to be sold in like manner, unless otherwise disposed of by order of Congress;

The cost of the same to be paid from the general appropriation for printing. [*May* 22, 1878.]

NUMBER 24.

JOINT RESOLUTION TO PAY THE LABORERS KNOWN AS CLOAK-ROOM MEN AND TO PLACE THEM ON THE DOORKEEPER'S ROLL.

May 31, 1878.
20 Stat. L., 252.

Eight cloak-room men of House of Representatives to be employed, &c.

Be it resolved, &c., That ten laborers known as cloak-room men of the House of Representatives, who clean the hall of the House daily, are entitled to pay as laborers * * *

Provided, That hereafter eight laborers only be employed as session laborers on the roll of the Doorkeeper of the House, to perform said labor and that they be paid at the same rate as other session laborers. [*May* 31, 1878.]

Eight cloak-room men of House of Representatives to be employed, &c.
R. S., § 53.

NUMBER 26.

JOINT RESOLUTION PROVIDING FOR ISSUE OF ARMS TO TERRITORIES.

June 7, 1878.
20 Stat. L., 252.

Additional arms to be issued to Territories.

Be it resolved, &c., That the Secretary of War is hereby authorized to cause to be issued to each of the Territories of the United States (in addition to arms and ammunition the issue of which has been heretofore provided for), such arms not to exceed one thousand in number as he may deem necessary, and ammunition for the same not to exceed fifty ball cartridges for each arm:

Provided, That such issue shall be only from arms owned by the Government of the United States which have been superseded and no longer issued to the Army:

And provided further, That said arms shall be issued only in the following manner, and upon the following conditions, namely, upon the requisition of the governors of said Territories showing the absolute necessity for arms for the protection of citizens and their property against hostile Indians within or of Indian raids into such Territories:

And provided further, That the said governor or governors of said Territories to whom the said arms may be issued shall give good and sufficient bond or bonds for the return of said arms, or payment therefor, at such time as the Secretary of War may designate, as now provided for by law. [*June* 7, 1878.]

Additional arms to be issued to Territories.
R. S., § 1667.
1878, May 16, ch. 106.
Resolutions 1876, No. 13, p. 253; 1877, No. 7, p. 302; 1878, No. 13, p. 386.

NUMBER 30.

JOINT RESOLUTION TO ALLOW THE SECRETARY OF THE NAVY TO PURCHASE PLATE IRON AND OTHER MATERIAL USED IN THE CONSTRUCTION OF STEAMBOILERS FOR THE UNITED STATES NAVY.

June 14, 1878.
20 Stat. L., 253.

Materials for steam-boilers for Navy may be purchased without advertisement. — notices of, to principal dealers. — subject to test.

Be it resolved, &c., That on and after the passage of this act, the Secretary of the Navy be, and he is hereby authorized to purchase at the lowest market price, such plate iron and other material as may enter into the construction of steam boilers for the Navy without advertising for bids to furnish the same:

Provided, That he shall cause to be sent to the principal dealers and manufacturers of iron and such other materials as may be required specifications of the quality description and character of such iron and materials so required:

And provided further, That such plate iron and materials shall be subjected to the same tests and inspection as now provided for and which inspection and tests shall be made publicly and in presence of such bidders or their authorized agents as may choose to attend at the making thereof. [*June* 14, 1878.]

Materials for steam-boilers for Navy may be purchased without advertisement.
R. S., § 3718.
—notices of, to principal dealers.
—subject to test.
R. S., § 4430.

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-FIFTH CONGRESS—THIRD SESSION

IN

THE YEARS 1878-1879.

NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.

In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and S. L. and STAT. L. to the Statutes at Large.

CHAPTER 2.

AN ACT ESTABLISHING THE RANK OF THE SENIOR INSPECTOR-GENERAL.

Dec. 12, 1878.

20 Stat. L., 257.

Senior Inspector-General to rank as brigadier-general.

Be it enacted, &c., That from and after the passage of this act the rank of the senior inspector-general of the United States army shall be brigadier-general; but no pay or allowances shall be made to said officer other than from the date of appointment under this act:

Senior Inspector-General to rank as brigadier-general.
R. S., § 1131.
1874, June 23, ch. 458, § 1.
16 Opin. Att'y-Gen., 638.

And provided, That nothing herein enacted shall authorize any increase in the number or the rank of the other officers of the Inspector-General's Department as fixed by the first section of the act of June twenty-third, eighteen hundred and seventy-four. [*December* 12, 1878.]

CHAPTER 5.

AN ACT TO CORRECT AN ERROR OF ENROLLMENT IN BILL MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

Dec. 16, 1878.

20 Stat. L., 258.

Hot Springs Commission; how appointed, &c.
Secretary of Interior to give lease of Arlington Hotel.
—and bath-houses, &c.
Rate of tax per tub.
Rights not prejudiced.
Limitation of number of bath-tubs to be supplied, &c.
Free baths.
Fraction of lots.
Titles on condition.
Springs dedicated to United States.

Be it enacted, &c., That the sum of twenty-seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to pay for clerk hire, engineering, marshal's fees, salaries, and other expenses of the Hot Springs Commission;

Appropriation for Hot Springs commission.

Hot Springs Commission; how appointed, &c. 1877, March 3, ch. 108.

And the President of the United States be, and he is hereby, authorized to appoint with the advice and consent of the Senate, three discreet, competent, and disinterested persons, who shall constitue a board of commissioners, any two of whom shall constitute a quorum, who shall hold their offices for the period of one year from the date of their appointment, and shall have the same powers and authority in all respects as was provided for the commissioners appointed under the act of Congress approved March third, eighteen hundred and seventy-seven, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas"; which act is hereby revived and continued in full force for the purpose of enabling said board of commissioners to take possession of all records, papers, and proofs, and to determine the claims presented to the board of commissioners appointed under said act, whose term of office has expired, and to do and perform all other acts and duties authorized by said act.

Secretary of Interior to give lease of Arlington Hotel.

And the Secretary of the Interior is hereby directed to lease to the present proprietors of the Arlington Hotel or their assigns the grounds, not exceeding one acre, now occupied by them, for a period of ten years, unless otherwise provided by law, at an annual rental of one thousand dollars.

—and bath-houses, &c. 1877, March 3, ch. 108, § 4. 1878, June 20, ch. 359, § 1, par. 15.

And he is further directed to lease the bath-houses of a permanent nature now upon the Hot Springs reservation to the owners of the same, and lease to any person or persons upon such terms as may be agreed on, sites for the building of other bath-houses for the term of five years, unless otherwise provided by law, under such rules and regulations as he may prescribe;

Rate of tax per tub.

And the tax imposed shall not exceed fifteen dollars per tub per annum, including land rent:

Rights not prejudiced.

Provided, That said leases shall in no way prejudice any legal right that any person or persons may have acquired under the act hereby revived and continued, to any improvements on said ground:

Limitation of number of bath-tubs to be supplied, &c.

And provided further, That to prevent monopoly, no bath-house or hotel shall be supplied with more than enough water for forty bath-tubs of the usual size, unless there shall be more than enough hot-water to supply all other demands for the same, in which case no single establishment shall be allowed more than forty bath-tubs of the usual size:

Free baths.

And provided further, That the superintendent shall provide and maintain a sufficient number of free baths for the use of the indigent, and the expense thereof shall be defrayed out of the rentals hereinbefore provided for.

Fractions of lots.

In cases where fractions of lots are made by straightening, widening or laying out streets, the commissioners shall have power to determine the disposal of the same, giving the preference to the owners of abutting lots:

Titles on condition.

Provided, That all titles given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water;

Springs dedicated to United States. 1877, March 3, ch. 108, § 4.

And the Hot Springs, with the reservation and mountain are hereby dedicated to the United States, and shall remain forever free from sale or alienation. [*December* 16, 1878.]

CHAPTER 9.

Dec. 21, 1878.

20 Stat. L., 259.

AN ACT CHANGING THE TIME OF HOLDING THE TERMS OF THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF WEST VIRGINIA.

Circuit court to be held at Parkersburg, W. Va., in January and June.

Circuit court to be held at Parkersburg, W. Va., in January and June. R. S., § 658.

Be it enacted, &c., That hereafter the Circuit Court of the United States for the district of West Virginia shall be held at Parkersburg on the tenth days of January and June.

And when either of said dates shall fall on Sunday the term shall commence on the following Monday.

And all pending cases, process, rules, and proceedings shall be conducted in the same manner and with the same effect as to time as if this act had not passed. [*December* 21, 1878.] Pending cases.

CHAPTER 19.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

Jan. 20, 1879.
20 Stat. L., 260.

Adjutant at Military Academy; pay of.

Be it enacted, &c., That * * *

For pay of adjutant, in addition to pay as first lieutenant, three hundred dollars: Adjutant at Military Academy.

Provided, That the sum paid to said officer shall not exceed one thousand eight hundred dollars per annum. —pay of. R. S., § 1335.

* * * * * * *

[*January* 20, 1879.]

CHAPTER 20.

AN ACT TO DIVIDE THE WESTERN DISTRICT OF MISSOURI INTO TWO DIVISIONS, AND TO PRESCRIBE THE TIMES AND PLACES FOR HOLDING COURTS THEREIN, AND FOR OTHER PURPOSES.

Jan. 21, 1879.
20 Stat. L., 263.

SECTION
1. Missouri; western judicial district divided into eastern and western divisions.
2. Jurisdiction of offenses; jurors.
3. —of civil suits.
4. Deputy clerk of circuit and district court; how appointed.
5. Suits; how transferred.

Be it enacted, &c.

[SECTION 1], The western district of Missouri is hereby divided into two divisions, which shall be known as the eastern and western divisions of the western district of Missouri. Missouri: Western judicial district divided into— R. S., § 540. 1878, April 8, ch. 51.

The western division shall include the counties of Andrew, Atchison, Barton, Bates, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Holt, Jackson, Jasper, La Fayette, Linn, Livingston, Mercer, Nodaway, Platte, Putnam, Ray, Saline, Sullivan, Vernon, and Worth; —western division.

And a term of the district court and circuit of the United States for said district shall be held therein at the city of Kansas on the third Monday in May and the third Monday in October of each year. —courts where to be held. R. S., §§ 572, 658.

The remaining counties embraced in said district shall constitute the eastern division thereof and the terms of the district and circuit courts of the United States for said district shall be held therein at the times and place now prescribed by law. —eastern division, and where courts to be held. R. S., §§ 572, 658.

SEC. 2. All offenses hereafter committed in either of said divisions shall be cognizable and indictable within the division where committed; and all grand and petit jurors summoned for service in each division shall be inhabitants thereof. Jurisdiction of offenses; jurors.

And all offenses heretofore committed within said district shall be prosecuted and tried as if this act had not passed.

SEC. 3. All civil suits not of a local character which shall be hereafter brought in the district or circuit courts of the United States for the western district of Missouri in either of said divisions, against a single defendant, or where all the defendants reside in the same division of said district, shall be brought in the division in which the de- —of civil suits.

fendant or defendants reside; but if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or both of the divisions.

Deputy clerk of circuit and district court for each division; how appointed. R. S., §§ 558, 624. 1878, June 19, ch. 329, § 1, par. 15.

SEC. 4. The clerks of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed:

Provided, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and may be annulled by such court at its pleasure.

And the clerk shall be responsible for the official acts and neglects of all such deputies.

Pending suits; how transferred.

SEC. 5. All civil suits and proceedings now pending in the circuit or district court of said western district of Missouri, and which would, if instituted after the passage of this act, be required to be brought in the western division of said district, may be transferred, by consent of all the parties, to said western division of said district, and there disposed of in the same manner and with like effect as if the same had been there instituted;

And all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the term of the court in the western division of said district, in the same manner and with like effect as if they had been issued or taken in reference thereto originally. [*January* 21, 1879.]

CHAPTER 21.

AN ACT AUTHORIZING THE CHANCELLOR OF THE SMITHSONIAN INSTITUTION TO APPOINT AN ACTING SECRETARY IN CERTAIN CASES.

Jan. 24, 1879.
20 Stat. L., 264.

Acting Secretary of Smithsonian Institution; how appointed.

Acting Secretary of Smithsonian Institution; how appointed. R. S., § 5582.

Be it enacted, &c., That in case of the death, resignation, sickness, or absence of the Secretary of the Smithsonian Institution, the Chancellor thereof shall be, and he is hereby, authorized to appoint some person as acting secretary, who for the time being shall be clothed with all the powers and duties which by law are devolved upon the Secretary, and he shall hold said position until an election of Secretary shall be duly made, or until the Secretary shall be restored to his health, or, if absent, shall return and enter upon the duties of his office. [*January* 24, 1879.]

CHAPTER 22.

AN ACT FOR THE PROTECTION OF DAIRYMEN, AND TO PREVENT DECEPTION IN SALES OF BUTTER AND CHEESE IN THE DISTRICT OF COLUMBIA.

Jan. 25, 1879.
20 Stat. L., 264.

SECTION
1. In District of Columbia, butter and cheese made of fat, &c., to have packages stamped Oleo-Margarine.
— sale of, to be accompanied with label.
2. Penalty for selling or having in possession contrary to act.
3. — for selling without label.

Be it enacted, &c.

In District of Columbia, butter and cheese made of fat, &c., to have packages stamped Oleo-Margarine.

[SECTION 1], That every person who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which

melted butter, or any oil thereof, has been introduced to take the place of cream, shall distinctly and durably stamp, brand, or mark upon every tub, firkin, box or package of such article or substance, the word Oleo-Margarine, in plain Roman letters, not less than half an inch square placed horizontally in proper order thus:

OLEO-MARGARINE.

Oleo-Margarine: sale of, to be accompanied with label.

And in case of retail sales of such article or substance in parcels the seller shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word Oleo-Margarine, in type or letters as aforesaid;

And every sale of such article or substance not so stamped, branded, marked, or labeled shall be void, and no action shall be maintained for the price thereof.

Penalty for selling or having in possession contrary to act.

SEC. 2. That every person who shall sell, or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be stamped, marked, or labeled as therein stated, not so stamped, marked, or labeled, or in case of a retail sale without delivery of a label required by section one of this act, shall, for each such offense, forfeit and pay a fine of one hundred dollars, to be recovered by indictment in any court of the District of Columbia of competent jurisdiction for the trial of misdemeanors, and the one-half of such fine when paid to go to the informer, and the residue to be paid into the treasury of the District of Columbia.

—for selling without label.

SEC. 3. That every person who shall sell, or offer or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale, any article or substance required by the first section of this act to be marked, branded, stamped, or labeled, not so marked, branded, stamped, or labeled, shall be guilty of a misdemeanor, and, on trial for such misdemeanor, proof of the sale or offer or exposal alleged shall be presumptive evidence of knowledge of the character of the article so sold or offered. [*January* 25, 1879.]

CHAPTER 23.

Jan. 25, 1879.
20 Stat. L., 265.

AN ACT TO PROVIDE THAT ALL PENSIONS ON ACCOUNT OF DEATH, OR WOUNDS RECEIVED, OR DISEASE CONTRACTED IN THE SERVICE OF THE UNITED STATES DURING THE LATE WAR OF THE REBELLION, WHICH HAVE BEEN GRANTED, OR WHICH SHALL HEREAFTER BE GRANTED, SHALL COMMENCE FROM THE DATE OF DEATH OR DISCHARGE FROM THE SERVICE OF THE UNITED STATES; FOR THE PAYMENT OF ARREARS OF PENSIONS, AND OTHER PURPOSES.

SECTION
1. Pensions on account of death, wounds, &c., in late rebellion; when to commence.
—rate of arrears of.
2. —rule to be adopted by Commissioner.
3. Requirement that claims shall not be prosecuted after five years from date of filing, except, &c., repealed.
4. Agents, &c., not to receive pay for making application for arrears of pension.
5. Repeal.

Be it enacted, &c.

Pensions on account of death, wounds, &c., in late rebellion; when to commence.
R. S., §§ 4692-4791.
1879, March 3, ch. 187.
16 Opin. Att'y-Gen., 374, 639.

[SECTION 1], That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension:

Pension; rate of arrears of.

Provided, The rate of pension for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted.

—rules to be adopted by Commissioner.

SEC. 2. That the Commissioner of Pensions is hereby authorized and directed to adopt such rules and regulations for the payment of the arrears of pensions hereby granted as will be necessary to cause to be paid to such pensioners, or, if the pensioners shall have died, to the person or persons entitled to the same, all such arrears of pension as the pensioner may be, or would have been, entitled to under this act.

Requirement that claims shall not be prosecuted after five years from date of filing, except, &c., repealed.
R. S., § 4717.
1879, ch. 187, § 2.

SEC. 3. That section forty-seven hundred and seventeen of the Revised Statutes of the United States, which provides that

"No claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made originated in the service and in the line of duty;

And if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed",

be, and the same is hereby, repealed.

Agents, &c., not to receive pay for making application for arrears of pension. R. S., §§ 4768, 4769, 4785, 5485. 1878, June 20, ch. 367.

SEC. 4. No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

Repeal.

SEC. 5. That all acts or parts of acts so far as they may conflict with the provisions of this act be, and the same are hereby, repealed. [*January* 25, 1879.]

CHAPTER 24.

Jan. 25, 1879.

AN ACT TO FACILITATE THE REFUNDING THE NATIONAL DEBT.

20 Stat. L., 265.

In refunding national debt, 4 per cent. bonds may be exchanged for 5-20 bonds, and for other bonds, and refunding laws to apply to all 5 per cent. bonds.
—interest on exchange; how allowed.

In refunding national debt 4 per cent. bonds may be exchanged for 5-20 bonds and for other bonds, and refunding laws to apply to all 5 per cent. bonds.
1870, ch. 256 (16 Stat. L., 272).
1875, March 3, ch. 130, § 11.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized in the process of refunding the national debt under existing laws to exchange directly at par the bonds of the United States bearing interest at four per centum per annum authorized by law for the bonds of the United States commonly known as five-twenties outstanding and uncalled, and, whenever all such five twenty bonds shall have been redeemed, the provisions of this section and all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing interest at five per centum per annum or a higher rate, which may be redeemable.

—interest on exchanges; how allowed.

In any exchange made under the provisions of this section interest may be allowed, on the bonds redeemed, for a period of three months. [*January* 25, 1879.]

CHAPTER 26.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF INVALID AND OTHER PENSIONS OF THE UNITED STATES FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY.

Jan. 27, 1879.
20 Stat. L., 267.

Fees of examining surgeons of pensioners.

Be it enacted, &c.

* * * * * * *

(1) *Provided*, That a fee of one dollar, and no more, shall be paid to the examining-surgeon for each examination of a pensioner, as provided by law, except when the examination is made by a board of surgeons, in which case the fees now allowed by law shall be paid.

Fees of examining surgeons of pensioners.
R. S., §§ 4774–4777.
1878, June 14, ch. 188.

* * * * * * *

[*January* 27, 1879.]

NOTE.—(1) This provision is repeated in the act of January 12, 1880, ch. 4, making like appropriations (21 Stat. L., 60).

CHAPTER 27.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES", APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

Jan. 27, 1879.
20 Stat. L., 267.

Restrictions as to binding not to apply to library of Surgeon-General's Office.

Be it enacted, &c., That the act entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the departments of the government, after the words "Congressional Library", the following words; "nor to the Library of the Surgeon-General's Office". [*January* 27, 1879.]

Restrictions as to binding not to apply to library of Surgeon-General's office.
R. S., §§ 3785, 3790.
1878, June 20, ch. 359, § 1, par. 1.

CHAPTER 28.

AN ACT MAKING APPROPRIATIONS FOR THE CONSULAR AND DIPLOMATIC SERVICE OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

Jan. 27, 1879.
20 Stat. L., 267.

Salaries of—
—envoys extraordinary.
—ministers resident.
—consuls-general.
—chargés d'affaires.
—secretaries of legation.
—clerk of legation at Spain.
—interpreters.
—consuls-general.
—consuls, vice-consuls.
—commercial agents and consular clerks of seven classes.
—commercial agents.
—clerks to consulates.
—amount expended in one year not to exceed $42,600.

Fees for shipping and discharging seamen at certain foreign ports to be paid into Treasury.
President to revise tariff of consular fees.
Salaries of interpreters in China, Japan, and Siam.
—of consular officers who are not citizens.
—of marshals in Japan, China, Siam, and Turkey.
Consuls to make quarterly statement of exports and imports, with market price of articles, &c.
Commercial agents to transmit information as to wages.
Salaries of Spanish Claims Commission.
Salaries here provided for to be in full after July 1, 1879, and repeal of laws in conflict therewith.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated for the service of the fiscal year ending June thirtieth, eighteen hundred and eighty, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:(1)

Salaries.
R. S., §§ 1675–1682.
1874, June 11, ch. 275.
1875, March 3, ch. 153.
1878, June 4, ch. 155.

NOTE.—(1) This act makes appropriations for one year only, but the last clause of the act as here printed provides that the salaries herein provided for shall be in full after July 1, 1879, and repeals all laws in conflict therewith. It seems to supersede also the salaries fixed by the act of 1874, June 11, ch. 275; by the act of 1875, March 3, ch. 153, and by the act of 1878, June 4, ch. 155.

Salaries of envoys extraordinary.

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at seventeen thousand five hundred dollars each, seventy thousand dollars.

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, at twelve thousand dollars each, eighty four thousand dollars.

For salaries of envoys extraordinary and ministers plenipotentiary to Chili and Peru, at ten thousand dollars each, twenty thousand dollars.

—of ministers resident.

For ministers resident at Belgium, Netherlands, Argentine Republic, Sweden and Norway, Turkey, Venezuela, Hawaiian Islands, and the United States of Colombia, at seven thousand five hundred dollars each, sixty thousand dollars.

—and consuls-general.

For minister resident and consul-general at Bolivia, five thousand dollars.

For minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, to reside at the place that the President may select in either of the States named, ten thousand dollars.

For minister resident and consul-general to Hayti, seven thousand five hundred dollars.

For minister resident and consul-general to Liberia, four thousand dollars.

—of chargés d'affaires.

R. S., §§ 1684, 1686.

1878, June 4, ch. 155.

For salaries of charges d'affaires to Portugal, Denmark, Paraguay and Uruguay, and Switzerland, at five thousand dollars each, twenty thousand dollars.

—of secretaries of legation.

For salaries of the secretaries to the legations at London, Paris, Berlin, and Saint Petersburg, at two thousand six hundred and twenty-five dollars each, ten thousand five hundred dollars.

For salary of the secretary of legation at Japan, two thousand five hundred dollars.

For salaries of the secretaries to the legations at Austria, Italy, Mexico, Brazil, and Spain, at one thousand eight hundred dollars each, nine thousand dollars.

For salaries of the second secretaries to the legations at Great Britain, France, and Germany, at two thousand dollars each, six thousand dollars.

—of clerk of legation at Spain.

For salary of a clerk to the legation at Spain, one thousand two hundred dollars.

—of interpreters.

For the salary of the secretary to the legation (when acting also as interpreter) at China, five thousand dollars.

For the salary of the interpreter to the legation in Turkey, three thousand dollars.

For the interpreter to the legation at Japan, two thousand five hundred dollars.

* * * * * * *

SCHEDULE B.

—of consuls-general.

For the agent and consul-general at Cairo, four thousand dollars.

For the consuls-general at London, Paris, Havana, and Rio de Janeiro, each six thousand dollars, twenty-four thousand dollars.

For the consuls-general at Calcutta and Shanghai, each five thousand dollars, ten thousand dollars.

For the consul-general at Melbourne, four thousand five hundred dollars.

For the consuls-general at Kanagawa and Montreal, each four thousand dollars, eight thousand dollars.

For the consul-general at Berlin, four thousand dollars.

For the consuls-general at Vienna, Frankfort, Rome, and Constantinople, each three thousand dollars, twelve thousand dollars.

For the consuls-general at Saint Petersburg and Mexico, each two thousand dollars, four thousand dollars.

NOTE.—See note at bottom of page 397.

For the consul at Liverpool, six thousand dollars.

Salaries of consuls, vice-consuls, commercial agents, and consular clerks.

For salaries of consuls, vice-consuls, commercial agents, and thirteen consular clerks, three hundred and four thousand six hundred dollars, namely:

Class one.

CLASS I.—At $4,000 per annum.

GREAT BRITAIN.—Hong-Kong.
HAWAIIAN ISLANDS.—Honolulu.

Class two.

CLASS II.—At $3,500 per annum.

CHINA.—Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang; Ningpo.
PERU.—Callao.

Class three.

CLASS III.—At $3,000 per annum.

GREAT BRITAIN.—Manchester; Glasgow; Bradford; Demerara.
FRENCH DOMINIONS.—Havre.
SPANISH DOMINIONS.—Matanzas.
MEXICO.—Vera Cruz.
UNITED STATES OF COLOMBIA.—Panama; Colon (Aspinwall).
ARGENTINE REPUBLIC.—Buenos Ayres.
BARBARY STATES.—Tripoli; Tunis; Tangier.
JAPAN.—Nagasaki; Osaka and Hiogo.
SIAM.—Bangkok.
CHILI.—Valparaiso.

Class four.

CLASS IV.—At $2,500 per annum.

GREAT BRITAIN.—Singapore; Tunstall; Birmingham; Sheffield; Belfast.
FRENCH DOMINIONS.—Marseilles; Bordeaux; Lyons.
SPANISH DOMINIONS.—Cienfuegos; Santiago de Cuba.
BELGIUM.—Antwerp; Brussels.
DANISH DOMINIONS.—Saint Thomas.
GERMANY.—Hamburg; Bremen; Dresden.

Class five.

CLASS V.—At $2,000 per annum.

GREAT BRITAIN.—Cork; Dublin; Leeds; Dundee; Leith; Toronto; Hamilton; Halifax; Saint John's (New Brunswick); Kingston (Jamaica); Coaticook; Nassau (New Providence); Cardiff; Port Louis (Mauritius).
SPANISH DOMINIONS.—San Juan (Porto Rico).
PORTUGAL.—Lisbon.
DOMINION OF THE NETHERLANDS.—Rotterdam.
RUSSIA.—Odessa.
GERMANY.—Sonneberg; Nuremberg; Barmen; Cologne; Chemnitz; Leipsic.
AUSTRIA-HUNGARY.—Trieste; Prague.
SWITZERLAND.—Basle; Zurich.
MEXICO.—Acapulco; Matamoras.
BRAZIL.—Pernambuco.
MADAGASCAR.—Tamatave.
URUGUAY.—Montevideo.
TURKISH DOMINIONS.—Beirut; Smyrna.

Class six.

CLASS VI.—At $1,500 per annum.

GREAT BRITAIN.—Bristol; New Castle; Auckland; Gibraltar; Cape Town; Saint Helena; Charlottetown (Prince Edward Island); Port Stanley; Clifton; Pictou; Winnipeg; Mahe; Kingston (Canada); Prescott; Port Sarnia; Quebec; Saint John's (Canada); Barbadoes; Bermuda; Fort Erie; Goderich (Canada West); Windsor (Canada West).
FRENCH DOMINIONS.—Nice; Martinique.
SPANISH DOMINIONS.—Cadiz; Malaga; Barcelona.

NOTE.—See note at bottom of page 397.

Salaries of—

PORTUGUESE DOMINIONS.—Fayal (Azores); Funchal.
BELGIUM.—Verviers and Liege.
GERMANY.—Munich; Stuttgart; Mannheim.
DOMINIONS OF THE NETHERLANDS.—Amsterdam.
DANISH DOMINIONS.—Copenhagen.
SWITZERLAND.—Geneva.
ITALY.—Genoa; Naples; Leghorn; Florence; Palermo; Messina.
TURKISH DOMINIONS.—Jerusalem.
MEXICO.—Tampico.
VENEZUELA.—Laguayra.
BRAZIL.—Bahia.
SAN DOMINGO.—San Domingo.

Class seven.

SCHEDULE C.

CLASS VII.—At $1,000 per annum.

GREAT BRITAIN.—Ceylon; Gaspe Basin; Southampton; Windsor (Nova Scotia).
GERMANY.—Stettin.
FRENCH DOMINIONS.—Nantes.
ITALY.—Venice.
HAYTI.—Cape Haytian.
UNITED STATES OF COLOMBIA.—Sabanilla.
ECUADOR.—Guayaquil.
NETHERLANDS.—Batavia.
BRAZIL.—Para; Rio Grande del Sul.
HONDURAS.—Ruatan and Truxillo (to reside at Utila).
MEXICO.—Guaymas.
MUSCAT.—Zanibar.
PORTUGUESE DOMINIONS.—Santiago (Cape Verde Islands).
SOCIETY ISLANDS.—Tahiti.
CHILI.—Talcahuano.
FRIENDLY AND NAVIGATOR'S ISLANDS.—Apia.

—of commercial agents.

COMMERCIAL AGENCIES.

SCHEDULE C.

Saint Paul de Loando; Lauthala.

SCHEDULE B.

San Juan del Norte.

—of clerks to consulates.
R. S., § 1704.
1878, June 4, ch. 155.
1881, Feb., ch. 78.

For allowance for clerks at consulates, forty-two thousand six hundred dollars, as follows:

For the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of three thousand dollars for any one year; and to the consuls-general at London, Paris, and Shanghai, each a sum not exceeding the rate of two thousand dollars for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Hong-Kong, Ottawa, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Rio de Janeiro, Nuremberg, Leith, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding one thousand five hundred dollars for any one year:

——amount expended in one year not to exceed $42,600.

Provided, That the total sum expended in any one year shall not exceed the amount herein appropriated.

Fees for shipping and discharging seamen at certain foreign ports to be paid into Treasury.
1878, June 4, ch. 155.

For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburg, to be allotted as may seem proper to the Secretary of State, six thousand dollars:

Provided, That the fees collected at these ports for shipping and discharging seamen shall be paid into the Treasury as required by law.

NOTE—See note at bottom of page 397.

And the President is requested to revise the tariff of consular fees and prescribe such rates as will make them conform, as nearly as may be, to the fees charged by other commercial nations for similar services.

President to revise tariff of consular fees.

For salaries of the interpreters to the following consulates: at Shanghai, two thousand dollars, and at Tien-Tsin, Foochow, and Kanagawa, at one thousand five hundred dollars each, six thousand five hundred dollars.

Salaries of interpreters in China, Japan, and Siam.

For salaries of the interpreters to the consulates at Hankow, Amoy, Canton, and Hong-Kong, at seven hundred and fifty dollars each, three thousand dollars.

For salaries of the interpreters to twelve other consulates in China, Japan, and Siam, at five hundred dollars each, six thousand dollars.

For consular officers not citizens of the United States, three thousand dollars.

—of consular officers who are not citizens.

For salaries of the marshals for the consular courts in Japan and China, Siam, and Turkey, including loss by exchange, seven thousand dollars.

—of marshals in Japan, China, Siam, and Turkey.

For interpreters, guards, and other expenses at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, three thousand dollars.

—at some other places.

* * * * * * *

And it shall be the duty of consuls to make to the Secretary of State a quarterly statement of exports from, and imports to, the different places to which they are accredited, giving, as near as may be, the market price of the various articles of exports and imports, the duty and port charges, if any, on articles imported and exported, together with such general information as they may be able to obtain as to how, where, and through what channels a market may be opened for American products and manufactures.

Consuls to make quarterly statement of exports and imports, with market price of articles, &c.
R. S., § 1712.
1878, June 4, ch. 155.

In addition to the duties now imposed by law, it shall be the duty of consuls and commercial agents of the United States, annually, to procure and transmit to the Department of State, as far as practicable, information respecting the rate of wages paid for skilled and unskilled labor within their respective jurisdictions.

Commercial agents to transmit information as to rates of wages.

For salaries and expenses of the United States and Spanish Claims Commission, namely: For commissioner, three thousand dollars; for counsel, three thousand dollars; for secretary, nine hundred dollars; for messenger, three hundred dollars;

Salaries of Spanish Claims Commission.

* * * * * * *

And the salaries provided in this act for the officers within named respectively shall be in full for the annual salaries thereof from and after the first day of July, eighteen hundred and seventy-nine; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed. * * * [*January* 27, 1879.]

Salaries here provided to be in full after July 1, 1879, and repeal of laws in conflict therewith.

CHAPTER 30.

AN ACT DEFINING THE MANNER IN WHICH CERTAIN LAND-SCRIP MAY BE ASSIGNED AND LOCATED, OR APPLIED BY ACTUAL SETTLERS, AND PROVIDING FOR THE ISSUE OF PATENTS IN THE NAME OF THE LOCATOR OR HIS LEGAL REPRESENTATIVES

Jan. 28, 1879.
20 Stat. L., 274.

SECTION
1. Private land claims in Florida, Louisiana, and Missouri; when recognized by Supreme Court; certificate for; how issued.
Certificates may be subdivided.
— are assignable.
2. — receivable for pre-emption and homestead claims.
3. — location and patent for.
4. Provisions applicable to indemnity certificates under act of 1858.

Be it enacted, &c.

[SECTION 1], That whenever, in cases prosecuted under the acts of Congress of June twenty second, eighteen hundred and sixty, March second, eighteen hundred and sixty-seven, and the first section of the act of June tenth, eighteen hundred and seventy-two, providing for the adjustment of private land-claims in the States of Florida, Louisiana

Private land claims in Florida, Louisiana, and Missouri; when recognized by Supreme Court; cer-

tificates for, how issued.
1860, ch. 188 (12 Stat. L., 85).
1867, ch. 184 (14 Stat. L., 544).
1872, ch. 421 (17 Stat. L., 378).

and Missouri, the validity of the claim has been, or shall be hereafter, recognized by the Supreme Court of the United States, and the court has decreed that the plaintiff or plaintiffs is or are entitled to enter a certain number of acres upon the public lands of the United States, subject to private entry at one dollar and twenty-five cents per acre, or to receive certificate of location for as much of the land the title to which has been established as has been disposed of by the United States, certificate of location shall be issued by the Commissioner of the General Land Office attested by the seal of said office, to be located as provided for in the sixth section of the aforesaid act of Congress of June twenty-second, eighteen hundred and sixty, or applied according to the provisions of the second section of this act;

Certificates may be subdivided.

And said certificate of location or scrip shall be subdivided according to the request of the confirmee or confirmees, and, as nearly as practicable, in conformity with the legal divisions and subdivisions of the public lands of the United States, and shall be, and are hereby declared to

—are assignable.

be, assignable by deed or instrument of writing, according to the form and pursuant to regulations prescribed by the Commissioner of the General Land Office, so as to vest the assignee with all the rights of the original owners of the scrip, including the right to locate the scrip in his own name.

—receivable for pre-emption and homestead claims.

SEC 2. That such scrip shall be received from actual settlers only in payment of pre-emption claims or in commutation of homestead claims, in the same manner and to the same extent as is now authorized by law in the case of military bounty-land warrants.

—location, and patent for.

SEC. 3. That the register of the proper land-office, upon any such certificate being located, shall issue, in the name of the party making the location, a certificate of entry, upon which, if it shall appear to the satisfaction of the Commissioner of the General Land Office that such certificate has been fairly obtained, according to the true intent and meaning of this act, a patent shall issue, as in other cases, in the name of the locator or his legal representative.

Provisions applicable to indemnity certificates under act of 1858, ch. 81 (11 Stat. L., 294).

SEC 4. That the provisions of this act respecting the assignment and patenting of scrip and its application to pre-emption and homestead claims shall apply to the indemnity-certificates of location provided for by the act of the second of June, eighteen hundred and fifty-eight, entitled "An act to provide for the location of certain confirmed private land-claims in the State of Missouri, and for other purposes." [*January* 28, 1879.]

CHAPTER 34.

Jan. 29, 1879.
20 Stat. L., 276.

AN ACT TO REPEAL SECTION TWELVE HUNDRED AND THIRTY-THREE OF THE REVISED STATUTES RELATING TO COMPANY COOKS IN THE ARMY.

Detail of company cooks in Army abolished.

Detail of company cooks in Army abolished; repealing R. S., § 1233.

Be it enacted, &c., That section twelve hundred and thirty-three of the Revised Statutes be, and the same is hereby, repealed. [*January* 29, 1879.]

CHAPTER 36.

Jan. 30, 1879.
20 Stat. L., 276.

AN ACT SUBJECTING THE FORT WAYNE MILITARY RESERVATION IN THE STATE OF ARKANSAS TO ENTRY AS OTHER PUBLIC LANDS IN SAID STATE.

SECTION
1. Lands of Fort Wayne reservation subject to entry, &c.
SECTION
2. Instructions to be issued by Commissioner.

Lands of Fort Wayne reservation subject to entry, &c.
R. S., §§ 2257–2394.

Be it enacted, &c.

[SECTION 1], That all the lands embracedi n the Fort Wayne military reservation in the State of Arkansas be, and the same are hereby, opened and made subject to entry as other public lands in said State under existing laws:

Provided, That all persons owning improvements on said reservation at the time of the passage of this act shall have a prior right to enter the same at any time within six months after this act goes into effect.

Instructions to be issued by Commissioner.

SEC. 2. That the Commissioner of the General Land Office be, and hereby is, authorized to issue the instructions necessary to carry the provisions of this act into effect. [*January* 30, 1879.]

CHAPTER 38.

AN ACT TO AMEND SECTION NINE HUNDRED AND NINETY-THREE OF THE REVISED STATUTES OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA, SO AS TO MAKE THE TWENTY-SECOND DAY OF FEBRUARY A HOLIDAY WITHIN SAID DISTRICT.

Jan. 31, 1879.
20 Stat. L., 277.

In District of Columbia, the 22d of February made a holiday. | Other holidays.

Be it enacted, &c., That section nine hundred and ninety-three (1) of the Revised Statutes of the United States relating to the District of Columbia be, and the same hereby is, amended by adding to the days therein declared to be holidays within the District the twenty-second day of February; and such day shall be a holiday for all the purposes mentioned in said section: *Provided*, That this act shall not apply to the twenty-second day of February, eighteen hundred and seventy-nine. [*January* 31, 1879.]

In District of Columbia the 22d of February to be a holiday.
R. S. of Dist. Col., § 993.
1880, *Res.*, April 16, No. 22.

NOTE.—(1) The section of the Revised Statutes of the District of Columbia, here referred to, is as follows:

SEC. 993. The following days, namely: The first day of January, commonly called New Year's day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas day; and any day appointed or recommended by the President of the United States as a day of public fast or thanksgiving, shall be holidays within the District, and shall, for all purposes of presenting for payment or acceptance, for the maturity and protest, and giving notice of the dishonor of bills of exchange, bank-checks, and promissory notes, or other negotiable or commercial paper, be treated and considered as is the first day of the week, commonly called Sunday.

And all notes, drafts, checks, or other commercial or negotiable paper falling due or maturing on either of said holidays shall be deemed as having matured on the day previous.

Other holidays; New Year's Day, Fourth of July, Christmas, Public Fast and Thanksgiving Day.

CHAPTER 39.

AN ACT TO AMEND THE REVISED STATUTES OF THE UNITED STATES RELATING TO THE RECORDS AND FILES OF DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES LOST OR DESTROYED.

Jan. 31, 1879.
20 Stat. L., 277.

SECTION

1. In proceedings to restore lost or destroyed records of courts; notice, how served on non-residents.
2. —certified copies of official papers on file in any department may be filed in court, and have same force as original, in cases where United States are parties, and judgment, &c., may issue thereon.
— force and effect of papers restored or supplied in all cases of lost records.
3. In cases in which the United States are interested, steps to be taken by judges, district attorneys, and clerks for restoration of lost records.
— compensation of clerks and attorneys.

Be it enacted, &c.

[SECTION 1], That section nine hundred and two of the Revised Statutes of the United States is hereby amended so as to read as follows:

In proceedings to restore lost or destroyed records of courts; notice, how served on non-residents.
Substitute for R. S., § 902.

In any proceedings in conformity with law to restore the records of any court of the United States which have been or may be hereafter lost or destroyed, the notice required may be served on any non-resident of the district in which such court is held anywhere within the jurisdiction of the United States, or in any foreign country; the proof of service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal.

SEC. 2. That section nine hundred and three of said Revised Statutes is hereby amended so as to read as follows:

—certified copies of official papers on file in any Department may be filed in court and

A certified copy of the official return, or any other official paper of the United States attorney, marshal, or clerk, or other certifying or record-

have same force as original in cases where United States are parties, and judgment, &c., may issue thereon. *Substitute for* R. S., § 903.

ing officer of any court of the United States, made in pursuance of law, and on file in any department of the government, relating to any cause or matter to which the United States was a party in any such court, the record of which has been or may be lost or destroyed, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original report, return, paper, or other document made to or filed in such court;

And in any case in which the names of the parties and the date and amount of judgment or decree shall appear from such return, paper, or document, it shall be lawful for the court in which they are filed to issue the proper process to enforce such decree or judgment, in the same manner as if the original record remained in said court.

—force and effect of papers restored or supplied in all cases of lost records. R. S., § 903.

And in all cases where any of the files, papers, or records of any court of the United States have been or shall be lost or destroyed, the files, records, and papers which, pursuant to law, may have been or may be restored or supplied in place of such records, files, and papers, shall have the same force and effect, to all intents and purposes, as the originals thereof would have been entitled to.

In cases in which the United States are interested, steps to be taken by judges, district attorneys, and clerks for restoration of lost records. *Substitute for* R. S., § 904.

SEC. 3. That section nine hundred and four of said Revised Statutes be amended so as to read as follows:

That whenever any of the records or files in which the United States are interested of any court of the United States have been or may be lost or destroyed, it shall be the duty of the attorney of the United States for the district or court to which such files and records belong, so far as the judges of such courts respectively shall deem it essential to the interests of the United States that such records and files to be restored or supplied, to take such steps, under the direction of said judges, as may be necessary to effect such restoration or substitution, including such dockets, indices, and other books and papers as said judges shall think proper.

Said judges may direct the performance, by the clerks of said courts respectively and by the United States attorneys, of any duties incident thereto;

— compensation of clerks and attorneys.

And said clerks and attorneys shall be allowed such compensation for services in the matter and for lawful disbursements as may be approved by the Attorney-General of the United States, upon a certificate by the judges of said courts stating that such claim for services and disbursements is just and reasonable; and the sum so allowed shall be paid out of the judiciary fund. [*January* 31, 1879.]

CHAPTER 40.

Feb. 3, 1879.

20 Stat. L., 278.

AN ACT TO PROVIDE FOR TAKING TESTIMONY, TO BE USED BEFORE CONGRESS, IN CASES OF PRIVATE CLAIMS AGAINST THE UNITED STATES.

SECTION
1. Testimony in private claims before Congress may be taken before masters in chancery.
Proceedings before master.
United States not liable for fees of officers or witnesses.
Committee may direct district attorney or appoint an agent or one of its own members to attend examination.
2. Subpœnas to be served by marshal or by person appointed by master.

SECTION
2. Master's powers.
Compensation of master and marshals and witnesses.
Expenses, how paid.
Master to make return of proceedings to committee.
Chairman to notify Attorney-General of order, &c., to take testimony.

Be it enacted, &c.

Testimony in private claims before Congress may be taken before masters in chancery.

[SECTION 1], That any committee of either house of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof, proved, before any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken.

Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. Proceedings before master.

And such master shall issue subpœnas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request.

And he shall also issue subpœnas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire:

Provided, That the United States shall not be liable for the fees of any officer for serving any subpœna for any private party, nor for the fees of any witness on behalf of such party. United States not liable for fees.

Said committee may inform the district attorney of the United States for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney or member of such committee to attend and take part in such examination. Committee may direct district attorney or appoint an agent or one of its own members to attend examination.

SEC. 2. It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpœnas issued in behalf of the United States under this act, in the same manner as if issued by the circuit court for his district; and he shall, upon being first paid his fees therefor, serve any subpœnas that may be issued at the instance of such private party or parties. Subpœnas to be served by marshal or by person appointed by master.

And the said master may, in his discretion, appoint any other person to serve any subpœna. Master's powers.

Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers and documents, as the circuit or district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the house of Congress appointing such committee.

The compensation of such master in chancery, and of marshals and deputy marshals, and of any person appointed to serve papers, shall be the same as for like services in equity cases in the circuit court of the United States; Compensation of masters, marshals, and witnesses. R. S., § 848.

And the compensation of witnesses shall be the same as for like attendance and travel of witnesses before such circuit courts;

And all such fees and compensation of officers and witnesses on behalf of the United States, and other expenses of all investigations which may be had under the provisions of this act on the part of the United States, shall be paid out of the contingent fund of the branch of Congress appointing such committee. Expenses, how paid. 14 Ct. Cls., 539.

Said master, when the examination is concluded, shall attach together all the depositions and exhibits, and attach thereto his certificate setting forth or referring to the authority by which they were taken, any notices he may have given, the names of the witnesses for whom subpœnas or attachments were issued, the names of witnesses who attended, with the time of attendance and mileage and fees of each witness on be- Master to make return of proceedings to committee.

half of the United States, which he may require to be shown by affidavit, his own fees, the fees of the marshal, his deputies or other persons serving papers, giving the items, and such other facts in relation to the circumstances connected with the taking of the depositions as he may deem material.

He shall then seal up such depositions and papers securely, direct them to the chairman of such committee at Washington, stating briefly on the outside the nature of the contents, and place the same in the post-office, paying the postage thereon; and said package shall be opened only in the presence of such committee.

Chairman to notify Attorney-General of order, &c., to take testimony.

The chairman of any committee ordering testimony to be taken under this act shall, at least ten days before the time fixed for such examination, and within two days after the adoption of such order, cause a copy thereof to be directed and delivered to the Attorney-General of the United States, or sent to him by mail at the Department of Justice, to enable him to give such instructions as he may deem best to the district attorney of the district where such testimony is to be taken, who may, and, if required by the Attorney-General, shall, though not requested by the committee, appear for the United States in person or by assistant, and take such part in such examination as the Attorney-General shall direct. [*February* 3, 1879.]

CHAPTER 41.

Feb. 3, 1879.
20 Stat. L., 280.

AN ACT TO DISAPPROVE AND ANNUL AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF NEW MEXICO, PASSED ON THE EIGHTEENTH OF JANUARY, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, BY A TWO-THIRDS VOTE OF BOTH HOUSES OVER THE VETO OF THE GOVERNOR OF SAID TERRITORY.

Act of New Mexico incorporating the Jesuit Fathers disapproved and declared void.

Act of New Mexico incorporating the Jesuit Fathers disapproved and declared void.
R. S., § 1889.

Be it enacted, &c., That an act of the legislative assembly of the Territory of New Mexico, entitled "An act to incorporate the Society of the Jesuit Fathers of New Mexico", which passed both houses of said legislative assembly on or about the eighteenth day of January, eighteen hundred and seventy-eight, over the veto of the governor of said Territory, being in violation of section eighteen hundred and eighty-nine of the Revised Statutes of the United States, which declares, "The legislative assemblies of the several Territories shall not grant private charters or especial privileges", said bill being a grant of a private charter or act of incorporation, with the "especial privileges" of an unlimited power to acquire, hold, and transfer all kinds of property, both real and personal, and the exemption from taxation of all the effects and property of said corporation, be, and the same is hereby, disapproved and declared null and void. [*February* 3, 1879.]

CHAPTER 42.

Feb. 3, 1879.
20 Stat. L., 280.

AN ACT TO AMEND SECTION FIVE THOUSAND FOUR HUNDRED AND NINETY-SEVEN OF THE REVISED STATUTES RELATING TO EMBEZZLEMENT BY OFFICERS OF THE UNITED STATES.

Embezzlement by officers of United States and their assistants; how punished.

Embezzlement by officers of United States and their assistants; how punished.
R. S., § 5497.

Be it enacted, &c., That section five thousand four hundred and ninety-seven of the Revised Statutes of the United States be, and the same is hereby, amended by adding at the end thereof the following, to wit:

"And any officer connected with, or employed in, the internal-revenue service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or other property of the United States, and any officer of the United States, or any

assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be punished by a fine equal to the value of the money and property thus embezzled or converted, or by imprisonment not less than three months nor more than ten years, or by both such fine and imprisonment." [*February* 3, 1879.]

CHAPTER 43.

AN ACT TO EXTEND THE JURISDICTION OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

Feb. 3, 1879.
20 Stat. L., 280.

SECTION
1. Judicial districts in Florida: northern and southern.
2. Circuit and district courts to be held at Tampa on first Monday in March.

Be it enacted, &c.

[SECTION 1], That from and after the passage of this act the southern judicial district of the State of Florida shall embrace the counties of Hernando, Hillsborough, Polk, Manatee, and Monroe, in said State; and all the Territory within the remaining counties shall constitute the northern judicial district.

Judicial districts in Florida: northern and southern.
R. S., § 534.

SEC. 2. That a term of the district and circuit courts of the United States shall be held in each year at Tampa, in said district, commencing on the first Monday in March:

Circuit and district courts to be held at Tampa on first Monday in March.
R. S., §§ 572, 658.

Provided, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the United States for the northern district of Florida in any case, civil or criminal, pending therein at the time of the passage of this act. But the same shall be proceeded in to final disposition as if this act had not been passed. [*February* 3, 1879.]

CHAPTER 44.

Feb. 3, 1879.
20 Stat. L., 281.

AN ACT AUTHORIZING THE SECRETARY OF WAR TO ERECT HEADSTONES OVER THE GRAVES OF UNION SOLDIERS WHO HAVE BEEN INTERRED IN PRIVATE, VILLAGE, OR CITY CEMETERIES.

Headstones for soldiers' graves in private cemeteries may be erected by Secretary of War.
Record of names and places of burial of all soldiers for whom headstones are erected to be preserved.

Be it enacted, &c., That the Secretary of War is hereby authorized to erect headstones over the graves of soldiers who served in the Regular or Volunteer Army of the United States during the war for the Union, and who have been buried in private village or city cemeteries, in the same manner as provided by the law of March third, eighteen hundred and seventy-three, for those interred in national military cemeteries;

Headstones for soldiers' graves in private cemeteries may be erected by Secretary of War.
1873, ch. 229 (17 Stat. L., 545).
R. S., § 4877.

And for this purpose, and for the expenses incident to such work, so much of the appropriation of one million dollars, made in the act above mentioned, as has not been expended, and as may be necessary, is hereby made available.

The Secretary of War shall cause to be preserved in the records of his Department the names and places of burial of all soldiers for whom such headstones shall have been erected by authority of this or any former acts. [*February* 3, 1879.]

Record of names and places of burial of all soldiers for whom headstones are erected to be preserved.
R. S., § 4877.

CHAPTER 45.

Feb. 4, 1879.
20 Stat. L., 281.

AN ACT TO AMEND SECTION THIRTY-EIGHT HUNDRED AND THIRTY-FIVE OF THE REVISED STATUTES OF THE UNITED STATES RELATING TO DEFICIENCY IN POSTMASTERS ACCOUNTS.

Sureties on postmasters' bonds to be notified of deficiencies in accounts.

Sureties on postmasters' bonds to be notified of deficiencies in accounts.
R. S., §§ 3835, 3845.

Be it enacted, &c., That section thirty-eight hundred and thirty-five of the Revised Statutes is amended by adding the following:

"Hereafter, when a deficiency shall be discovered in the accounts of any postmaster, who after the adjustment of his accounts fails, to make good such deficiency, it shall be the duty of the Sixth Auditor of the Treasury Department to notify the Postmaster-General of such failure, and upon receiving such notice the Postmaster-General shall forthwith deposit a notice in the post-office at Washington, District of Columbia, addressed to the sureties respectively upon the bonds of said postmaster, at the office where he or they may reside, if known;

But a failure to give or mail such notice shall not discharge such surety or sureties upon such bond. [*February* 4, 1879.]

CHAPTER 48.

Feb. 4, 1879.
20 Stat. L., 282.

AN ACT TO CREATE AN ADDITIONAL LAND-DISTRICT IN THE TERRITORY OF IDAHO

SECTION
1. Oneida land district in Idaho; how bounded. —Office of, at Oneida, but may be changed by President.
2. Register and receiver.
3. Unfinished business transferred to, &c.

Be it enacted, &c.

Oneida land district in Idaho; how bounded.
R. S., § 2256, Nos. 87, 88, 2d ed., p. 413.

[SECTION 1], That all that portion of the Territory of Idaho described and bounded as follows, namely:

Commencing at the southeastern corner of said Territory: thence running west on the line between said Territory and the Territory of Utah to the line between ranges numbered twenty-three and twenty four east, Boise meridian; thence north to the southern boundary of Lemhi County; thence west to the western line of said Lemhi County; thence north on said western line of said county to the line between the Territories of Idaho and Montana; thence easterly on said Territorial line to the eastern boundary of the Territory of Idaho; thence south on the line of the eastern boundary of Idaho Territory to the place of beginning, shall constitute a separate land district, to be called Oneida land-district, the office of which shall be located at Oxford, in Oneida County:

—office of, at Oneida, but may be changed by President.

Provided, The President of the United States may change the location of said land-office, from time to time, as the public interests may require.

—register and receiver of.
R. S., §§ 2234-2247.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land-office is located, and shall have the same powers and responsibilities; and shall receive the same fees and emoluments as like officers now receive in other land-offices in said Territory.

—unfinished business transferred to, &c.

SEC. 3. That all persons in said district who, prior to the opening of said Oneida land-office, shall have filed their declaratory statements, or application for pre-emption, homestead, or other land rights, in any land-office, in said Territory of Idaho, shall hereafter make proofs and entries at said Oneida land-office; and all unfinished business in any other land-office relating exclusively to lands in said Oneida land-district shall be transferred to said Oneida land-office when notified by the officers of the opening thereof. [*February* 4, 1879.]

CHAPTER 49.

AN ACT DECLARATORY OF THE LAW RELATING TO DESCENTS AND INHERITANCE IN THE DISTRICT OF COLUMBIA IN CERTAIN CASES.

Feb. 6, 1879.

20 Stat. L., 282.

SECTION
1. Issue of colored persons married according to custom prevailing at time and place may in District of Columbia take and transmit property by inheritance, &c., as legitimate.
SECTION
2. When act takes effect.

Be it enacted, &c.

[SECTION 1], That the issue of any marriage of colored persons, contracted and entered into according to any custom prevailing at the time in any of the States wherein the same occurred, shall, for all purposes of descent and inheritance and the transmission of both real and personal property within the District of Columbia, be deemed and held to be legitimate, and capable of inheriting and transmitting inheritance, and taking as next of kin and distributee according to law, from and to their parents, or either of them, and from and to those from whom such parents, or either of them, may inherit or transmit inheritance, anything in the laws of such State to the contrary notwithstanding:

Issue of colored persons married according to custom prevailing at time and place may in District of Columbia take and transmit property by inheritance, &c., as legitimate.

Provided, That nothing herein shall be construed as implying that any such marriage is not valid, or such issue legitimate for all other purposes.

SEC. 2. This act shall take effect and be in force from and after its passage. [*February* 6, 1879.]

When act takes effect.

CHAPTER 50.

AN ACT RELATING TO TAX-SALES AND TAXES IN THE DISTRICT OF COLUMBIA

Feb. 6, 1879.

20 Stat. L., 283.

In District of Columbia, list of lots sold for taxes, in whose name assessed, &c., to be kept by collector.
Collector to furnish certified statement of taxes due on any land when called upon, and any tax omitted therefrom shall cease to be a lien as against subsequent purchasers.
Public records relating to property, real and personal, open to inspection free of charge.

Be it enacted, &c., That it shall be the duty of the collector of taxes for the District of Columbia to prepare and keep in his office, for public inspection, a list of lots and squares, arranged in numerical order, of all real estate in the city of Washington heretofore sold, or which may hereafter be sold, for the non-payment of any general or special tax or assessment levied or assessed upon the same, said list to show the date of sale and for what taxes sold; in whose name assessed at the time of sale; the amount for which the same was sold; when and to whom conveyed if deeded, or, if redeemed from said sale, the date of redemption.

In District of Columbia, list of lots sold for taxes, in whose name assessed, &c., to be kept by collector.

And it shall be the duty of said collector, whenever called upon, to furnish, in addition to the regular tax-bills, a certified statement, over his hand and official seal, of all taxes and assessments general and special, that may be due and unpaid at the time of making said certificate, and which may in any manner be a lien upon any real estate located in said District; and for each and every certificate so furnished by said collector, the party requesting the same, shall pay into the treasury of said District a fee of fifty cents; and said certificate when furnished as aforesaid, shall be a bar to the collection and recovery, from any subsequent purchaser, of any tax or assessment omitted from and which may be a lien upon the real estate mentioned in said certificate, and said lien shall be discharged as to such subsequent purchaser but shall not affect the liability of the person who owned the property at the time such tax was assessed to pay the same.

Collector to furnish certified statement of taxes due on any land when called upon, and any tax omitted therefrom shall cease to be lien as against subsequent purchasers.

And it is hereby declared that all public records which have any reference, or in any way relate, to real or personal property in said District, shall be open to the public for inspection free of charge. [*February* 6, 1879.]

Public records relating to property, real or personal, open to inspection free of charge.

CHAPTER 68.

Feb. 14, 1879.
20 Stat. L., 284.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

PARAGRAPH
1. Charts furnished to persons not in public service to be paid for at cost.
2. Value of issues of small-stores to be credited to "small-stores fund"; how used.
PARAGRAPH
3. Board of Visitors to Naval Academy; how appointed, &c.
— mileage of, to be paid.

Be it enacted, &c. * * *

BUREAU OF NAVIGATION.

Charts furnished to persons not in public service to be paid for at cost.
R. S., §§ 226, 432.
1878, May 4, ch. 91.

[*Par.* 1.] * * * That all charts hereafter furnished to mariners or others not in the government service shall be paid for at the cost price of paper and printing paid by the government. * * *

BUREAU OF PROVISIONS AND CLOTHING.

Value of issues of small-stores to be credited to "small-stores fund"; how used.
R. S., § 3618.

[*Par.* 2.] * * * That from and after the first day of April, eighteen hundred and seventy-nine, the value of issues of small-stores shall be credited to a fund to be designated as the "small-stores fund", in the same manner as the value of the issues of clothing is now credited to the "clothing fund"; the resources of the fund to be used hereafter in the purchase of supplies of small-stores for issue. * * *

NAVAL ACADEMY.

Board of Visitors to Naval Academy; how appointed, &c.
R. S., 1511–1528.

[*Par.* 3.] * * * That from and after the passage of this act there shall be appointed every year, in the following manner, a Board of Visitors, to attend the annual examination of the academy:

Seven persons shall be appointed by the President, and two Senators and three Members of the House of Representatives shall be designated as Visitors by the Vice-President or President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.

— mileage of, to be paid.

Each member of said board shall receive not exceeding eight cents per mile traveled by the most direct route from his residence to Annapolis, and eight cents per mile for each mile from said place to his residence on returning. * * * [*February* 14, 1879.]

CHAPTER 81.

Feb. 15, 1879.
20 Stat. L., 292.

AN ACT TO RELIEVE CERTAIN LEGAL DISABILITIES OF WOMEN.

Women may be admitted to practice in Supreme Court of United States.

Women may be admitted to practice in Supreme Court of United States.
R. S., § 747.

Be it enacted, &c., That any woman who shall have been a member of the bar of the highest court of any State or Territory or of the Supreme Court of the District of Columbia for the space of three years, and shall have maintained a good standing before such court, and who shall be a person of good moral character, shall, on motion, and the production of such record, be admitted to practice before the Supreme Court of the United States. [*February* 15, 1879.]

CHAPTER 82.

AN ACT TO PROVIDE FOR HOLDING TERM OF THE CIRCUIT AND DISTRICT COURTS IN THE DISTRICT OF COLORADO.(1)

Feb. 15, 1879.

20 Stat. L., 292.

SECTION

1. In Colorado, special terms of circuit and district courts; when may be held.
2. Judicial district divided into southern, western, and northern divisions.
—proceedings in absence of judge, &c.
Issues of fact; where to be tried.
District court may regulate venue of transitory actions.
3. Pending cases.
4. Venue of actions hereafter brought in district court.
5. Deputy clerks.
Residence of clerk.
6. District attorney and marshal to perform duties in said divisions.
7. District courts in southern and western divisions have jurisdiction of circuit courts.
8. Criminal cases.
Juries.
9. Circuit court for eighth judicial district to be held at Denver.
10. Repeal.

Be it enacted, &c.

In Colorado, special terms of circuit and district courts; when may be held.
1876, June 26, ch. 147.
1880, April 20, ch. 58, § 4.

[SECTION 1], (**Rep.**) [That the circuit and district courts of the district of Colorado may, when the public interests require it, order a special term, to be held at such time and place as said courts may designate:

Provided, That no special term of the circuit court shall be held except with the consent of the circuit judge of the circuit that the circuit or district court may order a grand or petit jury, or both, to attend such special term, by an order entered of record at least thirty days before the day on which such special term shall convene.

Notice of such special term shall be published weekly for four consecutive weeks in a newspaper published at the capital of the State.

And when a circuit and district court shall be held at the same time and place, the same panel of jurors shall serve in both courts.]

Judicial district divided into—
R. S., § 530.
1876, June 26, ch. 147.

SEC. 2. (**Rep.**) [That for the trial and determination of all causes and proceedings cognizable and triable in the district court of the United States for the district of Colorado, as established by the act entitled "An act to further the administration of justice in the State of Colorado", approved June twenty-six, eighteen hundred and seventy-six, the said district shall be separated into three divisions, as follows:

—southern division, with a term of district court to be held at Pueblo.

All that part of said district lying within the following-named counties as now constituted, to wit: the counties of Bent, Las Animas, Pueblo, Huerfano, Fremont, and Custer shall constitute the southern division and a regular term of said court for said division shall be held annually at Pueblo, to commence on the first Tuesday in February;

—western division, with a term of district court at Del Norte.

All that part of said district lying within the following-named counties, to wit; the counties of Costilla, Conejos, Rio Grande, Saguache, Gunnison, Hinsdale, San Juan, Ouray, and La Plata, together with all that part of the Ute Indian reservation lying south of the thirty-ninth degree of north latitude in said State, shall constitute the western division, and a regular term of said court for said division shall be held annually at Del Norte, to commence on the first Tuesday in August;

—northern division, with terms of district court at Denver.

And the residue of the State of Colorado shall constitute the northern division, and two regular terms of said court for said division shall be held annually at Denver, to commence on the first Tuesday in May and on the first Tuesday in October.

—proceedings in absence of judge, &c.

And should the judge of said district court fail to attend at the time and place of holding any one of the regular terms of the court for either of the said divisions of the aforesaid district, before the close of the fourth day of any such term, the business pending in such court shall stand adjourned to the next regular term thereof:

Provided, That whenever the judge of said court, from any cause, shall fail to hold a regular term of said court for either of said divisions, it shall be his duty, if in his opinion the business in said court shall require, to hold an intermediate term of said court, at such time as he shall, by his order in writing, direct, addressed to the clerk and marshal of said court, at least thirty days previous to the commencement of said term, and to be published in the several newspapers pub-

NOTE.—(1) This whole act is repealed by act of 1880, April 20, ch. 58, § 4, saving certain rights of proceedings.

lished in the bounds of said divisions, the same length of time; and at any and all such intermediate terms the business of any such courts, of every nature and description whatsoever, shall have reference to, and be proceeded with, in the same manner as if the same were a regular term of the said court.

Issues of fact; where to be tried.

And all issues of fact shall be tried at a term of said court to be held in the division where such suit should hereafter be commenced, in accordance with the third section of this act.

District court may regulate venue of transitory actions.

But nothing herein contained shall prevent the said district court from regulating, by general rule, the venue of transitory actions either in law or in equity, and from changing the same for a good cause to be shown.]

Pending cases; where to be disposed of.

SEC. 3. (**Rep.**) [That all issues now pending in the said district court shall be tried at the places above prescribed for holding such court within the division where the cause of action may have arisen, unless otherwise ordered by said court, in pursuance of the authority given in the first section of this act; and no process issued or proceedings pending in the said district court shall be avoided or impaired by this change of the time and place of holding such court; but all process, bail bonds, and recognizances, returnable at the next term of the said court, shall be returnable and returned to the court next held at the appropriate place, according to this act, in the same manner as if so made returnable on the face thereof, and shall have full effect accordingly; and all continuances may be made to conform to the provisions of this act.]

Venue of actions hereafter brought in district court.

SEC. 4. (**Rep.**) [That all suits and proceedings hereafter to be brought in the said district court, not of a local nature, shall be brought in a court of the division of the district where the defendant resides; but if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper division of the said district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.]

Deputy clerks to be appointed for courts of Pueblo and Del Norte.

SEC. 5. (**Rep.**) [The clerk of the district court for the district of Colorado shall appoint a deputy clerk for said court held at Pueblo and a deputy clerk for said court held at Del Norte, who shall reside and keep their offices at said places respectively.

Clerk to reside at Denver.

And the said clerk shall reside and keep his office at Denver.

Deputy clerks' duties and powers.

Each deputy shall keep in his office full records of all actions and proceedings in the district court held at the same place, and shall have the same power to issue all process from the said court that is or may be given to the clerks of said district courts in like cases.]

District attorney and marshal to perform duties in said divisions.

1876, June 26, ch. 147.

SEC. 6. (**Rep.**) [That the district attorney and marshal of the district of Colorado shall respectively perform the duties of district attorney and marshal of and for the southern, western, and northern divisions of the district of Colorado as established by this act;

And the said marshal shall keep an office and deputy at each of the places where the sessions of the said district court are directed to be held.]

District courts in southern and western divisions have jurisdiction of circuit courts in civil cases; writs of error, appeals, &c.

1876, June 26, ch. 147.

SEC. 7. (**Rep.**) [That in addition to the ordinary jurisdiction and powers of a district court of the United States, with which the district court of Colorado has been invested, it be, and is hereby, invested, within the limits of the said southern and western divisions of same with the exercise of concurrent jurisdiction and power, in all civil cases, now exercised by the circuit courts of the United States;

And that in all cases where said court shall exercise such jurisdiction, writs of error and appeals shall be allowed and taken from the judgment, orders, or decrees of said court to the Supreme Court of the United States, in the same manner and upon the same conditions as appeals may be taken from the circuit courts.]

NOTE.—This act is repealed by act of 1880, April 20, ch. 58, saving rights, &c.

SEC. 8. (**Rep.**) [Any person charged with violating any of the penal or criminal statutes of the United States of which the said district court has jurisdiction shall be proceeded against, by indictment or otherwise, within the division of said district wherein the alleged offense was committed, and shall have his or her trial at a term of the said district court held in the said division, unless for cause shown the judge shall otherwise direct; Criminal cases; where to be proceeded with.

And grand and petit juries shall be summoned for the several terms of said district court in manner as is now, or may be, provided by law; and jurors shall be selected and drawn from the division of the said district in which they reside and in which the term of the said district court to which they are summoned is held.] Grand and petit juries; how summoned.

SEC. 9. (**Rep.**) [A term of the circuit court of the eighth judicial circuit shall be held at Denver, in said State, upon the first Tuesday in May and the first Tuesday in October in each year. Circuit court for eighth judicial district to be held at Denver.

One grand jury and one petit jury shall be summoned, and serve in both the said circuit and district courts, the terms of which are to be held in Denver.] One grand and one petit jury. R. S., § 604. 1876, June 26, ch. 147.

SEC. 10. (**Rep.**) [All acts and parts of acts in conflict with this act are hereby repealed.] [*February* 15, 1879.] Repeal.

NOTE.—The above act is repealed by act of 1880, April 20, ch. 58, saving rights, &c.

CHAPTER 83.

AN ACT TO ABOLISH THE VOLUNTEER NAVY OF THE UNITED STATES.

Feb. 15, 1879.

20 Stat. L., 294.

SECTION
1. Line officers and passed assistant surgeons constituting Volunteer Navy to be examined, and may be appointed in Regular Navy if found qualified.
— if not qualified, to be mustered out of service.

SECTION
1. — may be placed on retired list in certain cases.
2. Acting assistant surgeons no longer to be appointed.

Be it enacted, &c.

[SECTION 1], That it shall be the duty of the Secretary of the Navy to organize a board of five line officers of the Navy, none of whom shall be below the grade of captain, whose duty it shall be to make an examination of the line officers now composing the Volunteer Navy of the United States, which examination shall be such as is required in the examination of officers for promotion; Line officers and passed assistant surgeons constituting Volunteer Navy to be examined, and may be appointed in regular Navy if found qualified. R. S., §§ 1411, 1412, 1559.

And, further, that it shall be the duty of the Secretary of the Navy to organize a board of five medical officers of the Navy, none of whom shall be below the grade of lieutenant-commander, whose duty it shall be to make an examination of the eighteen acting and three acting passed assistant surgeons now in the service, should they desire to present themselves, which examination shall be such as is required in the examination of medical officers for admission as assistant surgeons;

And in all cases where said board shall find that such officers are professionally, morally, and physically qualified to perform the duties of their position, and shall so report to the Secretary of the Navy, it shall and may be lawful for the President of the United States by and with the advice and consent of the Senate to appoint such officers in the line and assistant surgeons in the Regular Navy of the United States.

And in the cases of officers who may not be found to be either professionally, morally, or physically qualified to discharge the duties of their position, then said officers shall be mustered out of the service of the government, within six months from the passage of this act, with one years pay: — if not qualified, to be mustered out of service.

Provided, That in the event of physical disqualification which occurred in the line of duty, such officer may, upon the recommendation of a retiring board, be placed upon the retired list, with the pay to officers of like designation in the Regular Navy. — may be placed on retired list in certain cases.

Acting assistant surgeons no longer to be appointed.
R. S., § 1411.

SEC. 2. That from and after the passage of this act the Secretary of the Navy shall not appoint acting assistant surgeons for temporary service, as authorized by section fourteen hundred and eleven, Revised Statutes, except in case of war. [*February* 15, 1879.]

CHAPTER 87.

Feb. 17, 1879.
20 Stat. L., 315.

AN ACT MAKING APPROPRIATIONS FOR CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

Indians employed not deemed employés at Indian agencies.

Be it enacted, &c.

[SECTION 1], * * *

Indians employed not deemed employés at Indian agencies.
1875, March 3, ch. 132, § 5.
1878, May 27, ch. 142.

That Indians employed at agencies in any capacity shall not be construed as part of agency employees named in section five of the act making appropriations for the Indian service for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, approved March third, eighteen hundred and seventy-five.

* * * * * * *

[*February* 17, 1879.]

CHAPTER 90.

Feb. 19, 1879.
20 Stat. L., 316.

AN ACT FOR THE PAYMENT, TO THE OFFICERS AND SOLDIERS OF THE MEXICAN WAR, OF THE THREE MONTHS' EXTRA PAY PROVIDED FOR BY THE ACT OF JULY NINETEENTH, EIGHTEEN HUNDRED AND FORTY-EIGHT.

Three months' extra pay to officers and soldiers of Mexican war.

Three months' extra pay to officers and soldiers, &c., of Mexican war.
1848, ch. 104, § 5 (9 Stat. L., 248).
16 Opin. Att'y-Gen., 409.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed, out of any moneys in the Treasury not otherwise appropriated, to pay to the officers and soldiers "engaged in the military service of the United States in the war with Mexico, and who served out the time of their engagement or were honorably discharged", the three months' extra pay provided for by the act of July nineteenth, eighteen hundred and forty-eight, and the limitations contained in said act, in all cases, upon the presentation of satisfactory evidence that said extra compensation has not been previously received:

Provided, That the provisions of this act shall include also the officers, petty-officers, seamen, and marines of the United States Navy the Revenue Marine Service and the officers and soldiers of the United States Army employed in the prosecution of said war. [*February* 19, 1879.]

CHAPTER 95.

Feb. 21, 1879.
20 Stat. L., 317.

AN ACT TO FIX THE PAY OF LETTER-CARRIERS.

SECTION
1. Two classes of letter-carriers in cities of 75,000 population.
2. — salaries.
One class in cities of less population; their salary.
3. Third grade; their salaries.
4. Appointment and promotion.
Number of first class.
Letter-receiving boxes not to be placed in private buildings.
5. Letter-carriers; in what places to be employed.
6. Repeal.

Two classes of letter-carriers in cities of 75,000 population.
R. S., § 3865.

Be it enacted, &c.

[SECTION 1], That for the more equitable compensation of letter-carriers there shall be in all cities which contain a population of seventy-five thousand or more two classes of letter-carriers, to be fixed by the Postmaster-General.

SEC. 2. The salaries of carriers of the first-class, who shall have been in service at least one year, shall be one thousand dollars per annum, and the salaries of the carriers of the second class shall be eight hundred dollars per annum.

Letter-carriers; salaries. R. S., § 3866.

In all cities containing a population of less than seventy-five thousand there shall be one class of letter-carriers, who shall receive a salary of eight hundred and fifty dollars per annum.

—one class in cities of less population; their salary. R. S., § 3866.

SEC. 3. Upon the recommendation of the postmaster of any city, the Postmaster-General may establish a third grade of letter-carriers, known as auxiliaries, who shall be paid at the rate of four hundred dollars per annum.

Third grade, or auxiliaries; their salaries.

SEC. 4. Appointments of letter-carriers in cities having two or more classes shall be made to the class having the minimum rate of pay, and promotions from the lower grades in said cities shall be made to the higher grades to fill vacancies, after one or more years' service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year:

—appointment and promotion.

Provided, however, That at no time shall the number of carriers in the first class, receiving the maximum salary of one thousand dollars, be more than two-thirds or less than one half the whole number of carriers actually in service in the city in which they are employed:

—number of first class.

Provided, further, That no boxes for the collection of mail-matter by carriers shall be placed inside of any building except a public building or railroad-station.

Letter-receiving boxes not to be placed in private buildings. R. S., § 3868.

SEC. 5. Letter-carriers shall be employed for the free delivery of mail-matter, as frequently as the public convenience may require, at every place containing a population of fifty thousand within the delivery of its post-office, and may be so employed at every place containing a population of not less than twenty thousand within its corporate limits, and at post-offices which produced a gross revenue for the preceding fiscal year of not less than twenty thousand dollars:

Letter-carriers; in what places to be employed. R. S., § 3865. 1874, June 23, ch. 456, § 1, par. 1.

Provided, This act shall not affect the free delivery in towns and cities where it is now established.

SEC. 6. All laws inconsistent herewith are repealed. [*February* 21, 1879.]

Repeal.

CHAPTER 97.

AN ACT TO CREATE THE NORTHERN JUDICIAL DISTRICT OF THE STATE OF TEXAS, AND TO CHANGE THE EASTERN AND WESTERN JUDICIAL DISTRICTS OF SAID STATE, AND TO FIX THE TIME AND PLACES OF HOLDING COURTS IN SAID DISTRICTS.

Feb. 24, 1879.

20 Stat. L., 318.

SECTION

1. Judicial districts in Texas: Northern.
2. Eastern.
3. Western.
4. Times and places of holding terms. Adjourned terms.
5. Process against defendants in different counties; where to be returned. Suits against more than one defendant in different divisions; where may be brought.
6. Transfer of pending cases.
7. Assignment of present judges. Judge for northern district.
8. District attorney and marshal for northern district. Present district attorneys, marshals, and clerks.
9. Clerk and deputy clerks for northern district; how appointed.

Be it enacted, &c.

[SECTION 1], That a judicial district is hereby created in the State of Texas, to be called the northern judicial district of said State, and the territory embraced in the following-named counties, as now constituted, shall compose said district, namely:

Judicial districts in Texas. R. S., § 548.

Brazos, Robertson, Leon, Limestone, Freestone, Navarro, Ellis, Kaufman, Dallas, Rockwall, Hunt, Fannin, Lamar, Delta, Collin, Grayson, Cooke, Denton, Tarrant, Johnson, Hill, McLennan, Falls, Bell, Coryell, Hamilton, Bosque, Comanche, Erath, Somerville, Hood, Parker, Palo Pinto, Jack, Wise, Montague, Clay, Archer, Wichita, Wilbarger, Harde-

Northern district. 1879, June 11, ch. 18, § 4.

man, Knox, Baylor, Haskell, Throckmorton, Young, Stephens, Shackelford, Jones, Taylor, Callahan, Eastland, Brown, Coleman, Runnels, Greer, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Howard, Borden, Dawson, Gaines, Martin, Andrews, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutchinson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Terry, Hockley, Lamb, Castro, Deaf Smith, Oldham, Hartley, Dallam, Palmer, Bayley, Cochran, and Yoakum.

Eastern district. 1879, June 11, ch. 18, §§ 1, 3.

SEC. 2. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the eastern judicial district, namely:

Matagorda, Wharton, Brazoria, Fort Bend, Colorado, Austin, Waller, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Newton, Jasper, Tyler, Polk, San Jacinto, Montgomery, Walker, Grimes, Madison, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Henderson, Smith, Rusk, Panola, Harrison, Gregg, Upshur, Wood, Vanzandt, Rains, Hopkins, Camp, Titus, Marion, Cass, Bowie, Franklin, Morris, and Red River.

Western district. 1879, June 11, ch. 18, §§ 1, 3. 1880, June 11, ch. 213, § 2.

SEC. 3. That from and after the passage of this act, the territory embraced in the following-named counties, as now constituted, shall compose the western judicial district of said State, namely:

Calhoun, (1)Jackson, Victoria, Goliad, Refugio, Bee, San Patricio, Nueces, Cameron, Hidalgo, Starr, Zapata, Duval, Encinal, Webb, La Salle, McMullen, Live Oak, De Witt, Lavaca, Gonzales, Wilson, Karnes, Atascosa, Frio, Dimmit, Zavala, Maverick, Kinney, Uvalde, Medina, Bexar, Guadalupe, Caldwell, Fayette, Washington, Lee, Burleson, Milan, Williamson, Bastrop, Travis, Hays, Comal, Kendall, Blanco, Burnett, Llano, Gillespie, Kerr, Bandera, Edwards, Kimball, Mason, Menard, El Paso, Presidio, Tom Green, Crockett, Pecos, Concho, McCulloch, San Saba, and Lampasas.

Times and places for holding terms. R. S., §§ 572, 658. 1879, June 11, ch. 18, § 4. 1881, Feb. 18, ch. 62.

SEC. 4. That the courts in the northern judicial district shall be held twice in each year, at Waco, Dallas, and at Graham, in Young County;

And the courts in the eastern judicial district shall be held twice in each year, at Galveston, Tyler, and Jefferson;

And the courts in the western judicial district shall be held twice in each year, at Brownsville, San Antonio, and Austin.

The courts shall be held

In the city of Waco on the first Mondays in April and October;

In the city of Dallas, the first Mondays in June and December;

In the town of Graham, Young County, on the first Mondays in February and August;

In the city of Galveston, on the first Mondays in November and March;

At the city of Tyler, on the second Mondays in January and May;

At the city of Jefferson, on the second Mondays February and September;

At the city of Brownsville on the first Mondays in January and July;

At San Antonio on the first Mondays in May and November;

At Austin on the first Mondays in February and August.

Adjourned terms. R. S., § 669.

And the district judge of each of said districts shall have power to fix adjourned terms at all of said places, so as to dispose of the whole of the business of said courts.

Process against defendants in the different counties; where to be returned.

SEC. 5. That all process issued against defendants residing in the counties of Brazos, Robertson, Leon, Limestone, Freestone, McLennan, Falls, Bell, Coryell, Hamilton, Comanche, Erath, Hood, Bosque, Somerville, Hill, Brown, Coleman, and Runnels shall be returned to Waco;

And all process issued against defendants residing in the counties of Navarro, Johnson, Ellis, Kaufman, Dallas, Rockwall, Hunt, Lamar, Fannin, Grayson, Collin, Denton, Cooke, Montague, Wise, Tarrant, Parker, Delta, and Clay shall be returned to Dallas;

NOTE.—(1) By act of 1879, June 11, ch. 18, § 1, Jackson County is transferred to eastern district; and by the act of 1880, June 11, § 2, Aransas County is added to the western district.

Processes, where to be returned, &c.

And all process issued against defendants residing in the counties of Eastland, Stephens, Young, Archer, Wichita, Wilbarger, Baylor, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Hardeman, Greer, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bayley, Palmer, Castro, Swisher, Brisco, Hall, Childress, Collingsworth, Donley, Armstrong, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Lipscomb, Ochiltree, Roberts, Hutchinson, Hansford, Sherman, Moore, Hartley, Palo Pinto, Jack, and Dallam shall be returned to Graham;

And all process issued against defendants residing in the counties of Jackson, Matagorda, Brazoria, Wharton, Colorado, Fort Bend, Austin, Harris, Galveston, Chambers, Jefferson, Orange, Hardin, Liberty, Montgomery, Waller, Grimes, Madison, Walker, San Jacinto, Polk, Tyler, Jasper, and Newton shall be returned to Galveston;

And all process issued against defendants residing in the counties of Sabine, San Augustine, Shelby, Nacogdoches, Angelina, Trinity, Houston, Anderson, Cherokee, Panola, Rusk, Smith, Henderson, Vanzandt, Rains, Gregg, and Wood shall be returned to Tyler;

And all process issued against defendants residing in the counties of Upshur, Harrison, Marion, Cass, Bowie, Red River, Titus, Camp, Hopkins, Morris, and Franklin shall be returned to Jefferson;

For alteration see 1879, June 11, ch. 18, §§ 2, 3.

And all process issued against defendants residing in the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval, Nueces, San Patricio, Dimmit, and Maverick shall be returned to Brownsville;

And all process issued against defendants residing in the counties of Calhoun, Refugio, Victoria, Goliad, Bee, Live Oak, Karnes, De Witt, Lavaca, Gonzales, Guadalupe, Wilson, Atacosa, McMullen, Bexar, Comal, Kendall, Kerr, Edwards, Bandera, Medina, Frio, La Salle, Zavala, Uvalde, Kinney, Crockett, Tom Green, Pecos, Presidio, and El Paso shall be returned to San Antonio;

For alteration see 1879, June 11, ch. 18, §§ 2, 3.

And all process issued against defendants residing in the counties of Fayette, Washington, Burleson, Milan, Williamson, Lee, Bastrop, Caldwell, Hays, Travis, Blanco, Gillespie, Burnet, Llano, Mason, Kimball, Menard, Concho, McCulloch, San Saba, and Lampasas shall be returned to Austin;

—in new counties.

And that all process issued against defendants residing in any county which may hereafter be created by law, shall be returned to the nearest place for holding court in the judicial district within which said county is formed.

Suits against more than one defendant in different divisions; where may be brought. 1880, June 14, ch. 213, § 1.

And if there be more than one defendant, and they reside in different divisions of the district, the plaintiff may sue in either division, and send duplicate writ or writs to the other defendants, on which the plaintiff or his attorney shall endorse that the writ thus sent is a copy of a writ sued out of a court of the proper division of the said district; and the said writs, when executed and returned into the office from which they issued, shall constitute one suit, and be proceeded in accordingly.

Transfer of pending causes.

SEC. 6. Actions or proceedings now pending at Brownsville, Austin, Galveston, and Tyler, which under this act, would be brought in some other district, may, on the application of either party, be transferred to the proper court of said district; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court, and the same shall proceed in all respects as though originally commenced in said court.

Assignment of present judges.

SEC. 7. That the present judge of the eastern district of Texas be, and he is hereby, assigned to hold said courts in the said eastern district, and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district.

That the present judge of the western district of Texas be, and he is hereby, assigned to hold said courts in the western district of Texas,

and shall exercise the same jurisdiction and perform the same duties within the said district as he now exercises and performs within his present district.

Judge for northern district to be appointed. R. S., § 554.

And there shall be appointed a district judge for the northern district of Texas, who shall possess the same powers and do and perform all such duties in his district as are now enjoyed, or in any manner appertain to the present district judges for said eastern and western districts of Texas.

And the district judge of such district shall be entitled to the same compensation as by law is provided for the present judges of the eastern and western districts of Texas.

District attorney and marshal for northern district.

SEC. 8. That there shall be appointed one person as district attorney and one person as marshal for said northern district, whose terms of appointment and services, as well as duties and emoluments, shall be the same with those respectively appertaining to the said offices in the said eastern and western districts of Texas;

And said marshal shall give the same bond that other marshals are required to give, to be approved and recorded as now directed by law:

Present district attorneys, marshals, and clerks.

Provided, That the present district attorneys for the eastern and western districts of Texas shall still hold their offices respectively in said districts, and shall retain charge of all suits already commenced until the final termination, unless the President of the United States shall otherwise direct; and the present marshals for said eastern and western districts shall continue to be the marshals for said districts during their respective official terms:

Provided further, That it is not intended by this act to work the removal of, or in any manner affect, the clerks of the district courts now holding office in said districts.

Clerk and deputy clerks for northern district; how appointed.

SEC. 9. The district judge of the northern district shall appoint a clerk of said court, who shall reside at one of the places designated in this act for holding the courts, and two deputies shall be appointed by the clerk, one of whom shall reside at each of the other places designated for holding the courts. [*February* 24, 1879.]

CHAPTER 99.

Feb. 25, 1879.

20 Stat. L., 320.

AN ACT TO CREATE AN ADDITIONAL ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, AND FOR THE BETTER ADMINISTRATION OF JUSTICE IN SAID DISTRICT

SECTION
1. Supreme court of District of Columbia to have a sixth judge.
2. General term may be held by two judges; proceedings on division of opinion. Judge not to sit on hearing appeal from his own decision.
3. Two circuit court terms at same time.
4. Cases of $2,500 may be reviewed by Supreme Court of United States on writs of error or appeal.
5. Repeal.

Be it enacted, &c.

Supreme court of District of Columbia to have a sixth judge. R. S. of Dist. Col., §§ 750, 751.

[SECTION 1], That there shall be appointed by the President, by and with the advice and consent of the Senate, one additional associate justice of the supreme court of the District of Columbia.

That the said additional associate justice shall have the same power, authority, and jurisdiction as now or hereafter may be exercised by any of the associate justices of the said supreme court, and shall be entitled to receive the same salary, payable in the same manner.

General term may be held by two judges; proceedings on division of opinion.

SEC. 2. Two of the justices, sitting at general term, shall constitute a quorum for the transaction of business; but when the two justices shall be divided in opinion, the same shall be noted upon the minutes of the court, and thereupon and within four days thereafter either party in such cause may file with the clerk of the court a motion in writing to have such cause reargued before three or more justices;

Judge not to sit on hearing appeal from his own decision.

But no justice shall sit in general term to hear an appeal from any judgment or decree or order which he may have rendered at the special term.

SEC. 3. The general term may order two terms of the circuit court to be held at the same time, whenever, in their judgment the business therein shall require it; and they shall designate by an order of the court, the time and places of holding the same, and the justices by whom they shall, respectively, be held; and shall make all necessary orders for a division of the docket between the justices holding such term;

Two circuit court terms at same time.

And petit juries shall be drawn therefor, in the same manner as is provided for in such circuit court, at least ten days before the commencement of any such sitting.

SEC. 4. The final judgment or decree of the supreme court of the District of Columbia in any case where the matter in dispute, exclusive of costs, exceeds the value of twenty-five hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, upon writ of error or appeal in the same manner and under the same regulations as are provided in cases of writs of error on judgments or appeals from decrees rendered in a circuit-court.

Cases of $2,500 may be reviewed by Supreme Court of United States.
R. S., §§ 691-701.
98 U. S., 398.
100 U. S., 112, 147.

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act [*act*] are hereby repealed. [*February* 25, 1879.]

Repeal.

CHAPTER 102.

AN ACT TO AUTHORIZE THE ISSUE OF CERTIFICATES OF DEPOSIT IN AID OF THE REFUNDING OF THE PUBLIC DEBT.

Feb. 26, 1879.
20 Stat. L., 321.

Certificates of deposit of $10 each, with interest at 4 per cent., convertible into bonds, to be issued. | Application of the money.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to issue, in exchange for lawful money of the United States that may be presented for such exchange, certificates of deposit, of the denomination of ten dollars, bearing interest at the rate of four per centum per annum, and convertible at any time, with accrued interest, into the four per centum bonds described in the refunding act;

Certificates of deposit of $10 each, with interest at 4 per cent., convertible into bonds, to be issued.
1870, ch. 256 (16 Stat. L., 272).

And the money so received shall be applied only to the payment of the bonds bearing interest at a rate of not less than five per centum in the mode prescribed by said act, and he is authorized to prescribe suitable rules and regulations in conformity with this act. [*February* 26, 1879.]

Application of the money.

CHAPTER 103.

AN ACT TO AMEND SECTION TWENTY-THREE OF THE ACT APPROVED JUNE TWENTY-SECOND, EIGHTEEN HUNDRED AND SEVENTY-FOUR, ENTITLED "AN ACT TO AMEND CUSTOMS-REVENUE LAWS AND TO REPEAL MOIETIES."

Feb. 26, 1879.
20 Stat. L., 322.

Salaries of naval officers at Baltimore and New Orleans. | —of surveyors at Portland, Baltimore, and New Orleans.

Be it enacted, &c., That the twenty-third section of an act entitled "An act to amend customs-revenue laws and to repeal moieties", approved the twenty-second day of June, eighteen hundred and seventy-four, be, and the same is hereby, amended, to take effect from that date, as follows:

Salaries of naval officers at Baltimore and New Orleans.
R. S., §§ 2655, 2656, 2689.
1874, June 22, ch. 391, § 23.

After the words "to the naval officers of the districts of Boston and Charlestown, Massachusetts; and San Francisco, California; and Philadelphia, Pennsylvania," insert the words "and Baltimore, Maryland; and New Orleans, Louisiana";

Salaries of surveyors at Portland, Baltimore, and New Orleans.
R. S., §§ 2655, 2657, 2688, 2689.
1874, June 22, ch. 391, § 23.

And after the words "to the surveyors of the ports of Boston, Massachusetts, and San Francisco, California, and Philadelphia, Pennsylvania, each five thousand dollars," insert the words

"*Provided*, the surveyors at Portland, Maine, and Baltimore, Maryland, shall each receive the sum of four thousand five hundred dollars, and the surveyor at New Orleans, Louisiana, shall receive the sum of three thousand five hundred dollars;" [*February* 26, 1879.]

CHAPTER 105.

Feb. 26, 1879.
20 Stat. L., 322.

AN ACT TO PROMOTE A KNOWLEDGE OF STEAM-ENGINEERING AND IRON-SHIP BUILDING AMONG THE STUDENTS OF SCIENTIFIC SCHOOLS OR COLLEGES IN THE UNITED STATES.

Engineers in Navy may be detailed as professors in colleges, &c. | —not exceeding twenty-five, &c. | —may be withdrawn from detail.

Engineers in Navy may be detailed as professors in colleges, &c.
R. S., § 1390.

Be it enacted, &c., That for the purpose of promoting a knowledge of steam-engineering and iron-ship building among the young men of the United States, the President may, upon the application of an established scientific school or college within the United States, detail an officer from the Engineer Corps of the Navy as professor in such school or college:

—not exceeding twenty-five, &c.

Provided, That the number of officers so detailed shall not at any time exceed twenty-five, and such details shall be governed by rules to be prescribed from time to time by the President:

—may be withdrawn from detail.

And provided further, That such details may be withheld or withdrawn whenever, in the judgment of the President, the interests of the public service shall so require. [*February* 26, 1879.]

CHAPTER 106.

Feb. 26, 1879.
20 Stat. L., 323.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES", APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

Restrictions as to binding not to apply to library of Patent Office.

Restrictions as to binding not to apply to library of Patent Office and State Department.
R. S., §§ 3785, 3790.
1878, June 20, ch. 359, § 1, par. 1.

Be it enacted, &c., That the act entitled "An act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the departments of the government, after the words "Congressional Library", the following words: "nor to the Library of the Patent Office", nor to the Library of the Department of State. [*February* 26, 1879.]

CHAPTER 110.

Feb. 27, 1879.
20 Stat. L., 223.

AN ACT TO PROVIDE FOR THE SETTLEMENT OF TAX-LIEN CERTIFICATES ERRONEOUSLY ISSUED BY THE LATE AUTHORITIES OF THE DISTRICT OF COLUMBIA.

In District of Columbia, certain tax-lien certificates receivable for taxes prior to July, 1877.

In District of Columbia, certain tax-lien certificates receivable for taxes prior to July, 1877.

Be it enacted, &c., That in order to settle and pay to the holders of certain tax-lien certificates purporting to have been issued pursuant to an act of the legislative assembly of the District of Columbia approved June twenty-fifth, eighteen hundred and seventy-three, which the Commissioners of the District of Columbia may determine to have been erro-

neously issued by the late authorities of the said District against property exempt from taxation at the time the taxes were imposed, or property upon which the taxes purporting to be represented by said certificates had been paid, the Commissioners of the District be, and they are hereby, authorized to receive the same in satisfaction of any arrearages of taxes prior to July first, eighteen hundred and seventy-seven, except special improvement taxes; and immediately upon the redemption of such erroneously issued certificates, the same shall be canceled, and a proper record of such payment and cancellation be made. [*February* 27, 1879.]

CHAPTER 112.

AN ACT EXTENDING THE LIMITS OF THE PORT OF NEW YORK.

Feb. 28, 1879.

20 Stat. L., 324.

Collection district of city of New York to include part of Hudson County, New Jersey.

Be it enacted, &c., That the collection-district of the port of New York shall hereafter include, in addition to the other territory embraced therein, all that part of the county of Hudson, in the State of New Jersey, and the waters adjacent, now within the collection-district of Newark, New Jersey, east of Newark Bay and the Hackensack River. [*February* 28, 1879.]

Collection district of city of New York to include part of Hudson County, New Jersey.
R. S., §§ 2535, 2541.

CHAPTER 115.

AN ACT FOR THE RELIEF OF THE OFFICERS AND PRIVATES OF THE NEW MEXICO MOUNTED VOLUNTEERS.

March 1, 1879.

20 Stat. L., 324.

Claims of mounted volunteers of New Mexico for loss of horses, &c., during the rebellion may be adjudged by Court of Claims. | — to be presented within one year.

Be it enacted, &c., That the Court of Claims shall take jurisdiction of and adjudge the claims of officers and privates of the New Mexico Mounted Volunteers in the service of the United States during the war of the rebellion, on account of losses of horses and equipments, although the same shall not be presented within six years from the time they accrued:

Provided, That no such claim shall be considered unless the petition setting forth the same be filed within one year from the passage of this act [*March* 1, 1879.]

Claims of New Mexico volunteers for loss of horses, &c., referred to Court of Claims.
R. S., § 1059.

See cases of Valdes & Tapia, 16 *Ct. Cls.*

—to be presented within one year.

CHAPTER 124.

AN ACT RELATING TO SOLDIERS WHILE IN THE CIVIL SERVICE OF THE UNITED STATES.

March 1, 1879.

20 Stat. L., 327.

Certain pensioners who lost their pensions by being in the civil service to have same restored.

Be it enacted, &c., That all persons who, under and by virtue of the first section of the act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, were deprived of their pensions during any portion of the time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six, by reason of their being in the civil service of the United States, shall be paid their said pensions, withheld by virtue of said section of the act aforesaid, for and during the said period of time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six. [*March* 1, 1879.]

Certain pensioners who lost their pensions by being in the civil service to have same restored.
1865, ch. 81, § 1 (13 Stat. L., 499).

CHAPTER 125.

March 1, 1879.

AN ACT TO AMEND THE LAWS RELATING TO INTERNAL REVENUE.

20 Stat. L., 327.

SECTION

1. Collector of internal revenue, his deputy or employé, issuing stamps before payment guilty of misdemeanor, &c.
2. R. S., § 797. Clerks of circuit or district courts, at close of each quarter, to make report to Commissioner of Internal Revenue of money paid in suits on collectors' bonds, &c.
   R. S., § 3143. Collectors of internal revenue to give bonds, and, when required, to renew bonds, &c.
   — bonds of, to be filed with First Comptroller.
   R. S., § 3144. — to act as disbursing agents, &c.
   R. S., § 3149. Who to act in absence or disability of collector.
   — in case of vacancy.
   — collector's bond liable for deputy acting.
   — bond of deputy while acting available to collector's representative.
   R. S., § 3163. Collectors and revenue agents to see that laws, &c., are enforced.
   — to report delinquencies, &c., to Commissioner.
   — Commissioner may transfer inspector, ganger, or storekeeper, &c.
   R. S., § 3152. Internal-revenue agents not exceeding thirty-five may be appointed.
   — designation and powers of.
   — laws applicable to.
   R. S., § 3165. Revenue officers may administer oaths, &c., authorized by regulations.
   R. S., § 3171. Officers suffering injury in discharge of duty may have suit for damages.
   Sec. 12 of act of 1875, ch. 36. Deputy collectors; appointment and compensation.
   — collectors' salaries in lieu of commissions.
   — collector may revoke appointment of deputies, require bonds; action on such bonds.
   — deputy collector's authority and responsibility.
   Sec. 13 of act of 1875, ch. 36. Collector to have certain allowances for expenses, &c.
   — and further allowance in certain cases.
   — total compensation of, limited.
   — not entitled to salary unless confirmed by Senate.

ASSESSMENT AND COLLECTION.

3. R. S., § 3173. Annual returns of persons liable to tax.
   — when may be made by deputy collector.
   — in case of absence of person, deputy collector to leave notice, &c.
   — proceedings in case of neglect to make returns, or of making false returns.
   — collector may examine persons and papers.
   R. S., § 3176. Penalties added to tax may be collected after tax is paid.
   R. S., § 3183. Collectors, &c., not to issue receipts in lieu of stamps.
   R. S., § 3186. Taxes to be lien on all property of person assessed.
   R. S., § 3197. Proceedings for seizure and sale of real estate for taxes.
   — public notice and manner of sale.
   — purchase for United States.
   — adjournment of sale.
   — deeds, certificates, &c., of purchasers for United States under internal-revenue laws to be sent to Commissioner.
   District attorney's fee for preparing deeds, &c.
   R. S., § 3203. Record of sales.
   — collector to keep and transmit copy to Commissioner.
   — deputy to return statement to collector.
   — to be delivered to successor.
   — copy of, to be evidence.
   R. S., § 3208. Commissioner to have charge of real estate acquired by United States under internal-revenue laws.
   — may sell or lease same.
   — to release same on payment of debt.
   R. S., § 3223. Tax on distilled spirits accidentally destroyed not to be remitted when fully insured.

SPECIAL TAXES.

4. R. S., § 3244. No special tax on sales of spirits, &c., by fiduciary officer of court, retiring, &c., partner, nor wholesale tax on sales of entire stock by retail dealer.

SECTION

4. — and rectifiers and dealers may purchase in such case less than twenty gallons.
   R. S., § 3244. Rectifiers of less than 500 barrels a year to pay tax of $100.
   Sec. 18 of act of 1875, ch. 36. Special taxes on retail liquor dealers.
   — on wholesale dealers.
   — distiller not subject to dealers' tax.
   — retail dealers in malt liquors.
   — wholesale dealers.
   — brewers not subject to dealers' tax, except, &c.
   — refund of taxes paid under certain repealed acts.

DISTILLED SPIRITS.

5. R. S., § 3246. Special tax not payable by vintners, &c., nor by apothecaries in certain cases.
   R. S., § 3264. Survey of distillery, provisions concerning.
   R. S., §§ 3276, 3286. Penalties on distiller for obstructing officer in examination, and for refusing to draw off water in tubs, &c.
   R. S., § 3282. In apparatus for manufacture of vinegar, contrivances by which vapor can be converted into spirits not to be used.
   — vinegar factory not to be near distillery, &c.
   — manufacturers of vinegar may separate alcoholic property from mash, &c.
   — not to remove vinegar, &c., with over 2 per cent. alcohol.
   — examination of vinegar factories, &c.
   — distilleries of thirty gallons or less may be exempt from certain obligations.
   R. S., § 3287. Drawing, gauging, &c. *Repealed.*
   R. S., § 3293. Entry and giving bond, taxes, &c. *Repealed.*
   R. S., § 3294. Withdrawal from warehouse on payment of tax.
   R. S., § 3301. Storekeeper to keep warehouse books and make returns.
   R. S., § 3314. Collectors to account for tax. *Repealed.*
   R. S., § 3315. Stamps for restamping packages of liquors, tobacco, cigars, snuff, &c., when stamps are destroyed.
   R. S., § 3317. Rectifiers to make returns.
   — punishment for fraud committed or attempted by, and for aiding same.
   R. S., § 3318. Rectifiers and wholesale liquor dealers to return monthly to collectors transcripts of books.
   R. S., § 3332. Distillery apparatus when seized may be destroyed in certain cases, &c.
   R. S., § 3334. When spirits are sold for taxes, and are of so low proof as to be of less value than tax, the same may be restamped, &c.
   R. S., § 3346. Punishment for making, &c., counterfeit stamps, dies, &c., removing stamps, &c.
6. Assessment for deficient production of distillery, or on account of grain, &c., found in excess of capacity of distillery may be remitted.
   Distillers of fruit exempt from such assessments, except, &c.
   R. S., § 3221. Tax on spirits accidentally destroyed by fire not to be collected, and, if collected, may be refunded.
7. Rectifier's bond to be given before commencing business. *Repealed.*
8. Rectifiers to give notice of intent to rectify.
9. Marshals may arrest and take before magistrate any persons operating illicit distilleries.
10. Condition of distiller's transportation bond for spirits withdrawn for export.
    Packages in bond for export may be changed.
    R. S., § 3340. Penalty on brewers extended to failure to do any acts required.
    R. S., § 3244. Drawback on silks exported.

IMPORTED-LIQUOR STAMPS, ETC.

11. Imported liquors to be placed in public stores, inspected, and stamped.
    — casks of, when filled on premises of wholesale dealer to have special stamps affixed.
12. Stamps, &c., on imported packages to be defaced, &c.

SECTION
13. Penalty for dealing in imported stamped packages.
—for having, &c., imitation packages.

TOBACCO.

14. Tax on tobacco and snuff to be sixteen cents a pound.
R. S., § 3244. Special taxes to be paid by dealers, &c., in leaf-tobacco.
— certain persons exempt from.
— to whom dealers in leaf-tobacco may sell.
R. S., § 3255. Manufacturers of tobacco or snuff to furnish statement to collector before commencing business.
— to give bond, &c.
— to obtain certificate and post same.
— penalties on.
R. S., § 3360. Dealers in leaf-tobacco to keep certain books.
R. S., § 3362. Packages of tobacco, cigars, and snuff; how to be put up, sold, &c.
R. S., § 3371. Assessment of tax on tobacco, snuff, and cigars removed without use of stamps.
R. S., § 3377. Imported scraps, cuttings, &c., of tobacco may be transferred to factory without payment of tax.
15. R. S., § 3383. Peddlers of tobacco to obtain certificate from collector, &c.; various provisions.
R. S., § 3384. Horses, wagons, hacks, &c., of those peddling unlawfully may be seized, &c.
16. R. S., § 3386. Drawback of tax paid on tobacco, snuff, and cigars, when exported.
R. S., § 3387. Bond of manufacturer of cigars not to be conditioned to employ only registered makers.
R. S., § 3389. Record of cigar-makers to be kept by collector.

SECTION
R. S., § 3392. Cigars; how to be packed, sold at retail, &c.
— Cigarettes; how put up, sold, &c.
R. S., § 3393. Cigars to have label and notice on boxes.
R. S., § 3397. —removal without boxing, stamping, &c.; penalties.
—Cigars exported exempt from internal-revenue tax.

STAMPS.

17. R. S., § 3426. Redemption of and refund of spoiled, useless, &c., stamps.
R. S., § 3429. Penalties for counterfeiting or fraudulently using stamps, dies, plates, and other like offenses.
— prima facie evidence of washing, &c.
R. S., § 3441. Export drawback on fermented liquors, medicines, perfumery, and playing-cards, &c.
18. R. S., § 3446. Commissioner may establish and change form of stamps, prescribe manner of attaching, &c.
19. R. S., § 3430. Matches, cigar-lights, medicines, perfumery, playing-cards, &c., may be removed from manufactory for export without payment.
20. Alcohol for manufacturing purposes may be withdrawn without payment of tax. *Repealed.*
21. Gallon defined.
22. Bank-tax not to be assessed on banks ceasing to do business.
Certain deposits of savings-banks not to be taxed.
R. S., § 3408. Savings-banks exempt from certain other taxation.
23. References to second edition Revised Statutes.

Be it enacted, &c.

Collector of internal revenue, his deputy or employé, issuing stamps before payment, guilty of misdemeanor, &c.

[SECTION 1], That any collector of internal revenue, or any deputy collector or other employee of, or person acting for, such collector, who shall issue any stamp or stamps indicating the payment of any internal-revenue tax, before payment in full therefor has been made to the officer or person issuing the same, shall be deemed guilty of a misdemeanor, and shall be fined for each stamp thus issued an amount equal to the face value thereof, in addition to the liability of the collector on his official bond on account of such stamp; and such collector, deputy collector, or employee shall be dismissed from office.

Clerks of circuit and district courts at close of each quarter to make report to Commissioner of Internal Revenue of money paid in suits on collectors' bonds, &c.
R. S., § 797.
1875, Feb. 22, ch. 95, §§ 5, 6.

SEC 2. That the Revised Statutes of the United States be amended as follows, namely:

[R. S., § 797.] That section seven hundred and ninety-seven be amended by adding thereto the following:

"He shall also, at the close of each quarter or within ten days thereafter, report to the Commissioner of Internal Revenue all moneys paid into court on account of cases arising under the internal-revenue laws, as well as all moneys paid on suits on bonds of collectors of internal revenue.

The report shall show the name and nature of each case, the date of payment into court, the amount paid on account of debt, tax, or penalty, and also the amount on account of costs.

If such money, or any portion thereof, has been paid by the clerk to any internal-revenue officer or other person, the report shall show to whom each of such payments was made; and if to an internal-revenue officer, it shall be accompanied by the receipt of such officer."

Collectors of internal revenue to give bonds, and, when required, to renew bonds, &c.
Substitute for R. S., § 3143.
3 Hughes, 231.
99 U. S., 229.
100 U. S., 8.

That section thirty-one hundred and forty-three of the United States Revised Statutes be amended to read as follows:

[R. S.] "SEC. 3143. Every collector, before entering upon the duties of his office, shall execute a bond for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the Solicitor of the Treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession;

And he shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said commissioner shall prescribe;

And he shall execute a new bond whenever required so to do by the Secretary of the Treasury, with such conditions as may be required by law or prescribed by the Commissioner of Internal Revenue, with not less than five sureties; which new bond shall be in lieu of any former bond or bonds of such collector in respect to all liabilities accruing after the date of its approval by the Solicitor of the Treasury.

Collectors; bonds of, to be filed with First Comptroller.

Said bonds shall be filed in the office of the First Comptroller of the Treasury."

—to act as disbursing agents, &c.

Substitute for R. S., § 3144.

That section thirty-one hundred and forty-four of the Revised Statutes be amended so as to read:

[R. S.] "SEC. 3144. It shall be the duty of collectors of internal revenue to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal-revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum, as shall be prescribed by the First Comptroller of the Treasury, and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents;

But no additional compensation shall be paid to collectors for such services."

Who to act in absence or disability of collector.

Substitute for R. S., § 3149.

[R. S., § 3149.] That section thirty-one hundred and forty-nine be amended by striking out all excepting the number thereof, and inserting in lieu thereof the following:

"In case of the sickness or absence of a collector, or in case of his temporary disability to discharge his duties, they shall devolve upon his senior deputy, unless he shall have devolved them upon another of his deputies; and for the official acts or defaults of such deputies the collector and his sureties shall be held responsible to the United States.

—in case of vacancy.

13 Ct. Cls., 347.

"In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed;

And until a successor is appointed, the deputy of such collector senior in service shall discharge all the duties of collector, and also the duties of disbursing agent;

And of two or more deputies appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred shall discharge the said duties until another collector is appointed.

When it appears to the Secretary of the Treasury that the interest of the government so requires, he may, by his order, direct the said duties to be performed by such other one of the said deputies as he may designate.

Collector's bond liable for deputy acting.

For the official acts and defaults of the deputy upon whom said duties are devolved, remedy shall be had on the official bond of the collector, as in other cases; and for the official acts and defaults of such deputy as acting disbursing agent, remedy shall be had on the official bond of the collector as disbursing agent.

Bond of deputy while acting available to collector's representatives.

1875, Feb. 8, ch. 36, § 12, *and substitute at bottom of page* 425.

R. S., § 3148.

And any bond or security taken from a deputy by a collector, pursuant to section twelve of 'An act to amend existing customs and internal-revenue laws, and for other purposes', approved February eighth, eighteen hundred and seventy-five, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act or omission of duty by the deputy so continuing or succeeding to the duties of such collector."

Collectors and revenue agents to see that laws, &c., are enforced.

Substitute for R. S., § 3163.

That section thirty-one hundred and sixty-three be amended by striking out all after the number thereof, and inserting in lieu thereof the following:

[R. S., § 3163.] "Every collector within his collection-district and every internal-revenue agent shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with,

and shall aid in the prevention, detection, and punishment of any frauds in relation thereto.

Collectors to report delinquencies, &c., to Commissioner.

And it shall be the duty of every collector and of every internal-revenue agent to report to the Commissioner in writing any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer or agent of which he may obtain knowledge, with a statement of all the facts in each case, and any evidence sustaining the same.

Commissioner may transfer inspector, gauger, or storekeeper, &c.

"The Commissioner may also transfer any inspector, gauger, storekeeper, or storekeeper and gauger, from one distillery or other place of duty, or from one collection-district, to another."

That section thirty-one hundred and fifty-two of the Revised Statutes be amended by striking out all after the number thereof, and inserting in lieu thereof the following:

Internal-revenue agents not exceeding thirty-five may be appointed.

Substitute for R. S., § 3152. 1878, June 19, ch. 329, § 1, par. 6.

[R. S., § 3152.] "The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time thirty-five in number, to be paid such compensation as he may deem proper, not exceeding in the aggregate any appropriation made for that purpose;

And he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary;

And no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department, in connection with the internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this title, shall be appointed, commissioned, employed, or continued in office.

—designation and powers of. R. S., §§ 3177, 3277, 3286, 3318.

The agents whose employment is authorized by this section shall be known and designated as internal-revenue agents, and they shall have all the powers of entry and examination conferred upon any officer of internal revenue, by sections thirty-one hundred and seventy-seven, thirty-two hundred and seventy-seven, thirty-two hundred and eighty-six, and thirty-three hundred and eighteen of the Revised Statutes;

And all the provisions of said sections, including those imposing fines, forfeitures, penalties, or other punishments for the enforcement thereof, are hereby made applicable to the action of internal-revenue agents, in the same manner as if such agents were specially named in each of said sections.

—laws applicable to. R. S., §§ 3167–3169, 3171.

And all the provisions of sections thirty-one hundred and sixty-seven, thirty-one hundred and sixty-eight, thirty-one hundred and sixty-nine, and thirty-one hundred and seventy-one of the Revised Statutes shall apply to internal-revenue agents as fully as to internal-revenue officers."

Revenue officers may administer oaths, &c. R. S., § 3165.

[R. S., § 3165.] That section thirty-one hundred and sixty-five be amended by inserting in line four, after the words "by law", the words "or regulation authorized by law".

Officers suffering injury in discharge of duty may have suit for damages; R. S., § 3171.

[R. S., § 3171.] That section thirty-one hundred and seventy-one be amended by striking out "for or on account of any act by him done", and inserting "in the discharge of his duty".

Deputy collectors; appointment and compensation. R. S., § 3148. *Substitute for* 1875, Feb. 8, ch. 36, § 12. 3 Dillon, 284. 15 Ct. Cls., 446.

That the act entitled "An act to amend existing customs and internal-revenue laws, and for other purposes", approved February eighth, eighteen hundred and seventy-five, be amended as follows namely: That section twelve be amended to read as follows:

"SEC. 12. That each collector of internal revenue shall be authorized to appoint, by an instrument in writing under his hand, as many deputies as he may think proper, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue.

Collectors' salaries in lieu of commissions, &c.

Allowances shall also be made in like manner for salary and office expenses of collectors, all of which shall be in lieu of the salary and commissions heretofore provided by law:

R. S., § 3145. 1875, Feb. 8, ch. 36, § 13.

Provided, however, That the salaries of collectors shall be fixed at two thousand dollars each per annum where the annual collections amount to twenty-five thousand dollars or less, and shall, by the Secretary, on the recommendation of the Commissioner, be graduated up to the maximum limit of four thousand five hundred dollars;

Which latter sum shall be allowed in all cases where the collections amount to one million of dollars or upward;

Collector may revoke appointment of deputies, require bonds; actions on such bonds. R. S., § 3148.

And the collector shall have power to revoke the appointment of any such deputy, giving such notice thereof as the Commissioner of Internal Revenue may prescribe, and to require and accept bonds or other securities from any deputy; and actions upon such bonds may be brought in any appropriate district or circuit court of the United States; which courts are hereby given jurisdiction of such actions concurrently with the courts of the several States.

Deputy collector's authority and responsibility. R. S., § 3148.

Each such deputy shall have the like authority in every respect to collect the taxes levied or assessed within the portion of the district assigned to him which is by law vested in the collector himself;

But each collector shall, in every respect, be responsible, both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done, by any of his deputies while acting as such."

Collector to have certain allowances for expenses, &c. R. S., § 3145. *Substitute for* 1878, Feb. 8, ch. 36, § 13.

And that section thirteen of said act be amended so as to read as follows:

"SEC. 13. That there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector, his necessary and reasonable charges for advertising, stationery, and blank books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent and exclusively relating to official business but no such account shall be approved or allowed unless it states the date and the particular items of every such expenditure, and shall be verified by the oath of the collector:

—and further allowance in certain cases. 15 C. Cls., 446. *See Warden, Hedrick & Landrum cases*, 16 C. Cls., —.

Provided, That the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, be authorized to make such further allowances, from time to time, as may be reasonable, in cases in which, from the territorial extent of the district, or from the amount of internal duties collected, it may seem just to make such allowances:

But no such allowance shall be made if more than one year has elapsed since the close of the fiscal year in which the services were rendered.

—total compensation of, limited.

But the total net compensation of a collector shall not in any case exceed four thousand five hundred dollars a year;

—not entitled to salary unless confirmed by Senate.

And no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate."

ASSESSMENT AND COLLECTION.

Annual returns of persons liable to tax.

SEC. 3. That the Revised Statutes be amended as follows, namely: That section thirty-one hundred and seventy-three be amended by striking out all after the said number, and substituting therefor the following:

Substitute for R. S., § 3173.

[R. S., § 3173.] "It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the thirtieth day of April in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the deputy collector of the district where located, of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and

aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association or corporation is liable:

Annual returns of persons liable to tax; when may be made by deputy collector.

Provided, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any special tax as aforesaid, then, and in that case, it shall be the duty of the deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person:

—in case of absence of person, deputy collector to leave notice, &c.

Provided further, That in case any person shall be absent from his or her residence or place of business at the time a deputy collector shall call for the annual list or return and no annual list or return has been rendered by such person to the deputy collector as required by law, it shall be the duty of such deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to render to such deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation.

Proceedings in case of neglect to make returns, or of making false returns.

And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any under-valuation or under-statement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof.

Collector may examine persons and papers.

The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized.

And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned."

Penalties added to tax may be collected after tax is paid; *amending* R. S., § 3176.

[R. S. § 3176.] That section thirty-one hundred and seventy-six be amended by striking out the words "in all cases" in the nineteenth line, and inserting, after the word "tax" in the twentieth line, the words "unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax."

Collector, &c., not to issue receipts in lieu of stamps; *amending* R. S., § 3183.

[R. S. § 3183.] That section thirty-one hundred and eighty-three be amended by adding the words "excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax."

Taxes to be lien on all property. *Substitute for* R. S., § 3186. 4 Dillon, 71. 16 Opin. Att'y-Gen., 634.

[R. S. § 3186.] That section thirty-one hundred and eighty-six be amended by striking out all after said number, and substituting therefor the following:

"If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United

States from the time when the assessment-list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person."

Proceedings for seizure and sale of real estate for taxes.

[R. S., § 3197.] That section thirty-one hundred and ninety-seven of the Revised Statutes be amended by striking out all after the said number and substituting therefor the following:

Substitute for R. S., § 3197.

"The officer making the seizure mentioned in the preceding section

— notice to owner.

shall give notice to the person whose estate it is proposed to sell by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection-district where said estate is situated, a notice, in writing, stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice.

— public notice.

The said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post-office nearest to the estate seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue.

— manner of sale.

At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of ten dollars.

When the real estate so seized consists of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees aforesaid to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid.

If no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States; otherwise the same shall be declared to be sold to the highest bidder.

— purchases for United States.

"And in case the same shall be declared to be purchased for the United States, the officer shall immediately transmit a certificate of the purchase to the Commissioner of Internal Revenue, and, at the proper time, as hereafter provided, shall execute a deed therefor, after its preparation and the indorsement of approval as to its form by the United States district attorney for the district in which the property is situate, and shall without delay, cause the same to be duly recorded in the proper registry of deeds, and immediately thereafter shall transmit such deed to the Commissioner of Internal Revenue.

— adjournment of sale.

"And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner.

Deeds, certificates &c., of purchases for United States under internal-revenue laws to be sent to Commissioner.

"*And it is hereby provided*, That all certificates of purchase, and deeds of property purchased by the United States under the internal-revenue laws, on sales for taxes, or under executions issued from United States courts, which now are, or hereafter may be, found in the office of any collector, United States marshal, or United States district attorney, shall be immediately transmitted by such officers respectively to the Commissioner of Internal Revenue.

District attorney's fee for preparing deed, &c.

"*And it is hereby further provided*, That for the preparation and approval by the United States district attorney of each deed as above required, a fee of five dollars shall be allowed to that officer, to be paid by the United States, and which he shall account for in his emolument returns."

Record of sales. *Substitute for* — R. S., § 3203.

[R. S. § 3203.] That section thirty-two hundred and three of the Revised Statutes be amended by striking out all after said number, and substituting therefor the following:

— collector to keep and transmit copy to Commissioner.

"It shall be the duty of every collector to keep a record of all sales of land made in his collection-district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed and all proceedings in making said sale, amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be certified by the officer making the sale.

And on or before the fifth day of each succeeding month he shall transmit a copy of such record of the preceding month to the Commissioner of Internal Revenue.

— deputy to return statement to collector.

"And it shall be the duty of every deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof.

— to be delivered to successor of collector.

In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be delivered to his successor in office;

— copy of, to be evidence.

And a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated."

That section thirty-two hundred and eight be amended by striking out all after the said number, and substituting therefor the following:

Commissioner to have charge of real estate acquired by United States under internal-revenue laws. *Substitute for* R. S., § 3208. 16 Opin. Att'y-Gen., 144, 185.

[R. S. § 3208.] "The Commissioner of Internal Revenue shall have charge of all real estate which is now or shall become the property of the United States by judgment of forfeiture under the internal-revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, and of all trusts created for the use of the United States in payment of such debts due them;

— may sell or lease same.

And, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty day's notice, sell and dispose of all real estate owned or held by the United States as aforesaid;

And until such sale the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may lease such real estate owned as aforesaid on such terms and for such period as they shall deem expedient."

— to release same on payment of debt; when.

"And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of one per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury to release by deed, or otherwise convey such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives."

Tax on distilled spirits accidentally destroyed not to be remitted when fully insured. *Substitute for* R. S., § 3223.

Amend section thirty-two hundred and twenty-three of Revised Statutes by striking out all after the said number, and substituting therefor the following:

[R. S. § 3223.] "When the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance, for a sum greater than the actual value of the distilled spirits before and without the tax being paid, the tax shall not be remitted to the extent of such insurance."

SPECIAL TAXES.

SPECIAL TAXES.

SEC. 4. [R. S. § 3244.] That section thirty-two hundred and forty-four of the Revised Statutes be amended as follows, namely, by adding after the fifth clause of said section:

No special tax on sales of spirits, &c., by fiduciary, officers of court, retiring partner, &c., nor wholesale tax on sale of entire stock by retail dealer; *adding to* R. S., § 3244.

"But no special tax shall be held to accrue on a sale of distilled spirits, wines, or malt liquors made by a person who is not otherwise a dealer in liquors, where such spirits, wines, or liquors have been received by the person so selling as security for or in payment of a debt, or as executor, administrator, or other fiduciary, or have been levied on by any officer, under order or process of any court or magistrate, and where such spirits are sold by such person in one parcel only, or at public auction in parcels not less than twenty wine-gallons, nor shall such tax be held to accrue on a sale made by a retiring partner, or the representatives of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm; nor shall the special tax of a wholesale liquor-dealer or wholesale dealer in malt liquors be held to apply to a retail dealer in liquors or a retail dealer in malt liquors, because of such retail dealer selling out his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of malt liquors;

—and rectifiers may purchase less than twenty gallons; *amending* R. S., § 3319. 14 Blatch, 549.

And section thirty-three hundred and nineteen of the Revised Statutes shall not be held to prohibit a rectifier or liquor-dealer from purchasing, in quantities greater than twenty wine-gallons, the distilled spirits sold in one parcel as aforesaid."

Rectifiers of less than 500 barrels a year to pay tax of $100; *amending* R. S., § 3244.

[R. S. § 3244.] That the third subdivision of section thirty two hundred and forty four be amended by inserting after the word "Provided", where it first occurs in said subdivision, the words following: "That any person who rectifies, purifies, refines, or manufactures as aforesaid less than five hundred barrels a year, counting forty gallons of proof spirits to the barrel, shall pay one hundred dollars. *And provided".*

Special taxes. R. S., § 3244. *Substitute for* 1875, Feb. 8, ch. 36, § 18. 2 Lowell, 466.

That section eighteen of "An act to amend existing customs and internal-revenue laws, and for other purposes", approved February eighth, eighteen hundred and seventy five be amended to read as follows:

—on retail liquor-dealers.

"SEC. 18. That retail dealers in liquors shall pay twenty-five dollars. Every person who sells, or offers for sale, foreign or domestic distilled spirits wines, or malt liquors, otherwise than as hereinafter provided, in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors.

—on wholesale dealers.

Wholesale liquor-dealers shall each pay one hundred dollars.

Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as hereinafter provided, in quantities of not less than five wine-gallons at the same time, shall be regarded as a wholesale liquor-dealer.

—distiller not subject to dealers' tax.

But no distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture in the original packages to which the tax-stamps are affixed, shall be required to pay the special tax of a wholesale liquor-dealer on account of such sales.

—on retail dealers in malt liquors.

Retail dealers in malt liquors shall pay twenty dollars.

Every person who sells, or offers for sale, malt liquors in less quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

—on wholesale dealers in malt liquors.

Wholesale dealers in malt liquors shall pay fifty dollars.

Every person who sells, or offers for sale, malt liquors in quantities of not less than five gallons at one time, but who does not deal in spirituous liquors at wholesale, shall be regarded as a wholesale dealer in malt liquors:

—brewers not subject to dealers' tax, except, &c. R. S., § 3349.

Provided, That no brewer shall be required to pay a special tax as a dealer by reason of selling in the original stamped packages whether at the place of manufacture or elsewhere, malt liquors manufactured by him, or purchased and procured by him in his own casks or vessels, under the provisions of section thirty-three hundred and forty-nine of the Revised Statutes;

But the quantity of malt liquors so purchased shall be included in calculating the liability to brewer's special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same:

And it is hereby provided, That no further collection of special tax as retail dealers in malt liquors shall be made from brewers for selling malt liquors of their own manufacture in the original stamped eighth-barrell package:

Refund of taxes paid under certain repealed acts. 1868, ch. 186, § 59 (15 Stat. L., 150). 1869, ch. 18, § 1 (16 Stat. L., 42). 1872, ch. 315, § 13 (17 Stat. L., 243).

Provided further, That any assessments of additional special tax against wholesale liquor-dealers or retail liquor-dealers, or against brewers for selling malt liquors of their own production at the place of manufacture in the original casks or packages, made by reason of an amendment to section fifty-nine of the internal-revenue act approved July twentieth, eighteen hundred and sixty-eight, as amended by section thirteen of the act approved June sixth, eighteen hundred and seventy-two, further amending said section fifty-nine by striking out the words 'malt liquor', 'malt liquors', 'brewer', and 'malt liquors' in the three several paragraphs in which they occur, shall be on proper proofs, remitted; and if such assessments have been paid, the amounts so paid shall be, on proper proofs, refunded by the Commissioner of Internal Revenue."

DISTILLED SPIRITS.

Special tax not payable by vintners, &c., nor by apothecaries in certain cases. *Substitute for* R. S., § 3246.

SEC. 5. That section thirty-two hundred and forty-six of the Revised Statutes of the United States be amended so as to read as follows:

[R. S., § 3246.] "Nothing in this chapter shall be construed to impose a special tax upon vinters who sell wine of their own growth, or manufacturers who sell wine produced from grapes grown by others, at the place where the same is made or at the general business office of such vintner or manufacturer;

Provided, That no vintner or manufacturer shall have more than one office for the sale of such wine that shall be exempt from special tax under this act; nor shall any special tax be imposed upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making-up of medicines."

Survey of distillery. *Substitute for* R. S., § 3264.

That section thirty-two hundred and sixty-four be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3264.] "On receipt of notice that any person, firm, or corporation wishes to commence the business of distilling, the collector, or a deputy collector, to be designated by him, shall proceed in person, at the expense of the United States, with the aid of an assistant designated by the Commissioner of Internal Revenue for the purpose of making surveys of distilleries in that district, to make a survey of such distillery for the purpose of estimating and determining its true spirit-producing capacity for a day of twenty-four hours.

—estimate of capacity.

In all surveys, forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operating on the sour mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain.

—report of.

A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller.

—resurvey.

Whenever the Commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make in like manner another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore required:

Survey of distilleries: when may be made by collector, &c., without assistant.

Provided, That the survey of any distillery estimated and stated by the distiller, in his notice of intention to distill, as capable of distilling not more than one hundred and fifty proof-gallons of distilled spirits every twenty-four hours may be made by the collector or by a deputy collector without the aid of an assistant;

—how made for correcting errors, &c.

And that all surveys made for the purpose of correcting clerical errors or errors of computation existing in the report of a previous survey, and all surveys made for the purpose of changing the true spirit-producing capacity of any distillery for a day of twenty-four hours as estimated and determined by a previous survey, but which surveys do not require the remeasuring of the fermenting-tubs in a grain or molasses distillery, or the still or stills in a distillery of apples, peaches, or grapes exclusively, may be made without taking the measurements of the fermenting tubs or stills, as the case may be, and without revisiting the distillery:

—special officer may be designated for.
15 Ct. Cls., 446.

And provided further, That the Commissioner of Internal Revenue may, whenever he shall deem it proper, designate an officer, agent, or person other than the collector or deputy collector, to make, with or without the aid of a designated assistant, the surveys and resurveys hereinabove provided for."

Penalties on distiller for obstructing officer, &c.; *amending* R. S., §§ 3276, 3286.

[R. S., §§ 3276, 3286.] That section thirty-two hundred and seventy-six and section thirty-two hundred and eighty six be amended by inserting, before the words "one thousand dollars" wherever they occur in each of said sections, the words "not exceeding".

In manufacture of vinegar, contrivances for converting vapor into spirits not to be used; *amending* R. S., § 3282.

[R. S., § 3282.] That section thirty-two hundred and eighty-two of the Revised Statutes be amended by striking out the words "or any vapor of alcoholic spirits", immediately following the word "alcohol" in the eighth line of said section, and also by striking out the words at the close of said section namely: "But nothing herein contained shall be construed to authorize the distillation of such fermented liquids except in an authorized distillery", and inserting in lieu thereof the following:

"But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on.

Vinegar factory not to be near distillery, &c.
1879, June 14, ch. 23.

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted within six hundred feet of any distillery or rectifying house.

Manufacturers of vinegar may separate alcoholic property from mash, &c.

But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water or other liquid used in making vinegar.

—not to remove vinegar, &c., with over 2 per cent. of alcohol.

No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than two per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section.

Examination of vinegar manufactories; powers of officers, &c.; *extending* R. S., §§ 3276–3278.

And all the provisions of sections thirty-two hundred and seventy-six, thirty-two hundred and seventy-seven, and thirty-two hundred and seventy-eight of the Revised Statutes of the United States are hereby extended and made applicable to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them."

Distilleries of thirty gallons or

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers whose distilleries have a

daily spirit-producing capacity of thirty gallons of proof spirits, or less, from such of the provisions of existing law in regard to grain distilleries which require the processes of distillation to be carried on through continuous closed vessels and pipes, or which require the cisterns to be connected with the outlet of the worm or condenser by suitable pipes or other apparatus or which require certain clear spaces about the cisterns and other vessels of the distillery, or which require the distillers to have or furnish a plan of the distillery, as he may deem proper.

less may be exempt from certain obligations. R. S., §§ 3263, 3267.

[R. S., § 3287.] Amend section thirty-two hundred and eighty-seven (Revised Statutes of the United States) by striking out all after said number, and substituting therefor the following:

Drawing off, gauging, marking, and removal of spirits to distillery warehouse. *Substitute for* R. S., § 3287. *For substitute* see 1880, May 28, ch. 108, § 6.

(**Rep.**) ["All distilled spirits shall be drawn from the receiving-cisterns into casks, each of not less capacity than twenty gallons wine measure, and shall thereupon be gauged, proved and marked by an internal-revenue gauger, by cutting on the cask containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof gallons of the contents of such casks, and by branding or burning into the head of such cask in letters of not less than one inch in length; and such brand shall distinctly indicate the particular name of such distilled spirits as known to the trade, i. e., high-wines, alcohol, or spirits, as the case may be, and shall be immediately removed into the distillery warehouse, and the gauger shall, in the presence of the storekeeper of the warehouse, place upon the head of the cask an engraved stamp, which shall be signed by the collector of the district and the storekeeper and gauger; and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse and the serial number of each cask, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask deposited therein after July twentieth, eighteen hundred and sixty-eight, and no two or more casks warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

"Distillery-warehouse stamp No. —. Issued by ——, collector, —— district, State of ——, distillery whrehouse of —— ——, 18—. Cask No. —; contents —— gallons proof spirits.

"Attest:

——— ———,
"*United States Storekeeper.*
——— ———,
"*United States Gauger.*"]

[R. S., § 3293.] (**Rep.**) [That section thirty-two hundred and ninety-three as amended by joint resolution approved March twenty-eighth, eighteen hundred and seventy-eight be amended by inserting, after the words "State of ——" in the eleventh line, the words "during the month ending"; by striking out the words "and proof gallons" in the fifteenth line, and inserting in lieu thereof the words "proof gallons and taxable gallons"; by inserting, after the word "shall" and before the word "give" in the eighteenth line, the words "at the time of making said entry"; by striking out the word "bond" in the twenty-second line, and inserting in lieu thereof the word "entry"; and by adding thereto the words:

Entry and giving bond. R. S., § 3293. 1878, March 28, Res. No. 16, p. 386. *See substitute*, 1880, May 28, ch. 108, § 4.

"A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue.

—new bond may be required in case of death, insolvency, &c.

And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if

—refusal to give bond or pay tax, &c.

no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law."

When loss on spirits in warehouse appears to be excessive, whole quantity to be taxed, &c. R. S., § 3221.

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section three thousand two hundred and twenty one of the Revised Statutes of the United States, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred, to require the withdrawal from warehouse of such spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, together with the interest accrued thereon, if any, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. If the said tax and interest are not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected."]

Withdrawal from warehouse on payment of tax. *Substitute for* R. S., § 3294.

That section thirty-two hundred and ninety-four be amended by striking out all after the said number, and substituting therefor the following:

[R. S. § 3294.] "Any distilled spirits may, on payment of the tax thereon, be withdrawn from the warehouse on application to the collector of the district in charge of such warehouse, on making a withdrawal entry in duplicate and in the following form:

— entry therefor, form; what to contain, where filed, &c. 1880, May 28, ch. 108, § 5.

"ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE.

"Tax paid

"Entry of distilled spirits to be withdrawn, on payment of the tax, from warehouse of distillery number ———, situated in the ——— district of ———, by ———, deposited on the ——— day of ———, anno Domini ———, by ———, in said warehouse.

"And the entry shall specify the whole number of casks, with the marks and serial numbers thereon, the number of gauge or wine gallons, and of proof gallons and taxable gallons, and the amount of the tax on the distilled spirits contained in them; and on payment of the tax the collector shall issue his order to the storekeeper in charge of the warehouse for the delivery.

One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue.

Storekeepers to keep warehouse books. *Substitute for* R. S., § 3301.

That section thirty-three hundred and one be amended by striking out all after the said number, and substituting therefor the following:

[R. S. § 3301.] "Every storekeeper shall keep a warehouse-book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of gauge or wine gallons, of proof-gallons, and of taxable gallons;

And before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery;

And in case of delivery of any distilled spirits the number of gauge or wine gallons, of proof-gallons, and of taxable gallons, shall also be stated;

And such further particulars shall be entered in the warehouse-books as may be prescribed or found necessary for the identification of the

packages, to insure the correct delivery thereof and proper accountability therefor.

Storekeepers to make returns and reports.

And every store keeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein at the end of said month.

He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office."

Collectors to account for tax-paid stamps, receive commission thereon, &c.

Substitute for R. S., § 3314. 15 Blatch., 10. *For substitute see* 1880, May 28, ch. 108, § 16.

(Rep.) [That section thirty-three hundred and fourteen be amended by striking out all after the said number, and substituting the following:

[R. S. § 3314.] "The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of one per centum on the amount of such tax, in addition to any other commission by law allowed:

Provided, That the total net compensation of collectors as fixed by this title shall not be thereby increased.

—how stamps other than tax-paid shall be charged to; books for same may be intrusted to gauger, who shall collect, &c.

All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors as representing the value of ten cents for each stamp; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; the collector shall collect the amount due for such stamps at the rate of ten cents for each stamp issued, in such manner and at such time as the Commissioner of Internal Revenue may prescribe, and the Commissioner may, in his discretion, make assessment therefor; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein."]

Stamps for restamping packages of liquors, tobacco, cigars, snuff, &c., when original stamps are destroyed.

Substitute for R. S., § 3315. 13 Ct. Cls., 366.

That section thirty-three hundred and fifteen be amended by striking out all after the said number and substituting therefor the following:

[R. S., § 3315.] "The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue stamps for restamping packages of distilled spirits, tobacco, cigars, snuff, cigarettes and fermented liquors which have been duly stamped, but from which the stamps have been lost or destroyed by unavoidable accident."

Rectifiers to make returns.

Substitute for R. S., § 3317.

That section thirty-three hundred and seventeen be amended so as to read as follows:

[R. S., § 3317.] "That on or before the tenth day of each month every person engaged in rectifying or compounding distilled spirits shall make, in such form as may be prescribed by the Commissioner of Internal Revenue, a return to the collector of the district, showing the quantity of spirits received for rectification, and from whom received,

the quantity dumped for rectification, the quantity rectified, the quantity removed after rectification during the preceding month, and giving such other information as may be required by the Commissioner of Internal Revenue, such return to be made in duplicate and sworn to by the rectifier;

And the collector shall forward one of such returns to the Commissioner of Internal Revenue.

Rectifiers: punishment for fraud committed or attempted by, and for aiding in same.

Every person who engages in, or carries on, the business of a rectifier with intent to defraud the United States of the tax on the spirits rectified by him, or any part thereof, or with intent to aid, abet, or assist any person or persons in defrauding the United States of the tax on any distilled spirits, or who shall purchase or receive or rectify any distilled spirits which have been removed from a distillery to a place other than the distillery-warehouse provided by law, knowing or having reasonable grounds to believe that the tax on said spirits, required by law, has not been paid, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years."

Rectifiers and wholesale liquor-dealers to return monthly to collectors transcripts of their books. R. S., § 3318.

[R. S., § 3318.] That section thirty-three hundred and eighteen be amended by adding thereto the following words:

"That every person required to keep the books prescribed by this section shall, on or before the tenth day of each month, make a full and complete transcript of all entries made in such book during the month preceding, and, after verifying the same by oath, shall forward the same to the collector of the district in which he resides.

— penalty on, for neglect.

Any failure by reason of refusal or neglect to make said transcripts shall subject the person so offending to a fine of one hundred dollars for each neglect or refusal."

Distillery apparatus when seized may be destroyed in certain cases. R. S., § 3332.

[R. S., § 3332.] That section thirty-three hundred and thirty-two be amended by adding thereto as follows:

"And in case of seizure of a still, doubler, worm, worm-tub, mash-tub, fermenting-tub, or other distilling apparatus, having a less producing capacity than one hundred and fifty gallons per day, for any offense involving forfeiture of the same, where said apparatus shall be of less than five hundred dollar's value, and where it shall be impracticable to remove the same to a place of safe storage from the place where seized, the seizing officer is authorized to destroy the same only so far as to prevent the use thereof, or any part thereof, for the purpose of distilling:

— witnesses of destruction; report; estimate of value, &c.

Provided, That such destruction shall be in the presence of at least one credible witness, and that such witness shall unite with the said officer in a duly sworn report of said seizure and destruction, to be made to the Commissioner of Internal Revenue, in which report they shall set forth the grounds of the claim of forfeiture, the reasons for such seizure and destruction, their estimate of the fair cash value of the apparatus destroyed, and also of the materials remaining after such destruction, and a statement that, from facts within their own knowledge, they have no doubt whatever that said distilling apparatus was set up for use and not registered, or had been used in the unlawful distillation of spirits, and that it was impracticable to remove the same to a place of safe storage.

— owner of, may be reimbursed in certain cases on application within one year.

Within one year after such destruction the owner of the apparatus so destroyed may make application to the Secretary of the Treasury, through the Commissioner of Internal Revenue, for reimbursement of the value of the same; and unless it shall be made to appear to the satisfaction of the Secretary and the Commissioner that said apparatus had been used in the unlawful distillation of spirits, the Secretary shall make an allowance to said owner, not exceeding the value of said apparatus, less the value of said materials as estimated in said report; and if the claimant shall thereupon satisfy said Secretary and Commissioner that said unlawful use of the apparatus had been without his consent or knowledge, he shall still be entitled to such compensation, but not otherwise.

And in case of a wrongful seizure and destruction of property under the foregoing provisions, the owner thereof shall have right of action on the official bond of the officer who occasioned the destruction for all damages caused thereby."

Officer liable on his bond for wrongful seizures of distillers' apparatus.

[R. S., § 3334.] That section thirty-three hundred and thirty-four be amended by adding thereto as follows:

When spirits are sold for taxes, and are of so low proof as to be of less value than tax, the same may be restamped according to proof-gallons. R. S., § 3334.

"*Provided:* That in all cases wherein it shall appear that any distilled spirits offered for sale on distraint for taxes, where the taxes on such spirits have not been paid, or offered for sale for the benefit of the United States as forfeited spirits under order of court or under proceeding pursuant to section thirty-four hundred and sixty of the Revised Statutes, will not, by reason of such spirits being below proof, b[r]eing a price equal to the tax due and payable thereon, but will bring a price equal to, or greater than, the tax on said spirits, computed only upon the proof-gallons contained in the packages, without regard to the greater number of wine-gallons contained therein, then, and in such case, upon sale being so made, tax-paid stamps to the amount required to stamp such spirits as if the tax thereon were only on the proof-gallons thereof, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered.

—allowance in collectors' accounts.

Any collector using or furnishing stamps in manner aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp account with the department.

—duty of officer making sale.

In such cases, the officer selling the distilled spirits shall affix, or cause to be affixed, to the same the tax paid stamps so provided, and shall write across the face of such stamps the true number of proof and wine gallons contained in the package, the amount of tax actually paid thereon, and also the words 'Affixed under provisions of act of ——— 1879'" (inserting the date of the approval of this act).

That section thirty three hundred and forty-six be amended by striking out all after the said number, and substituting therefor the following:

Punishment for making, selling, using, &c., false or counterfeit stamps or dies, removing stamps, buying, selling, using, &c., removed stamps, &c. *Substitute for* R. S., § 3346.

[R. S., § 3346.] "Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, and every person who shall remove, or cause to be removed, from any cask or package of fermented liquors, any stamp denoting the tax thereon, with intent to re-use such stamp, or who, with intent to defraud the revenue, knowingly uses, or permits to be used, any stamp removed from another cask or package, or receives, buys, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for fermented liquors, shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years."

Assessments for deficient production of distillery, or on account of grain, &c., found in excess of capacity of distillery, may be remitted in certain cases. R. S., § 3309 1880, May 23, ch. 108, § 8. *See Barnett's case*, 16 Ct. Cls., —.

SEC. 6. That whenever, under the provisions of section thirty-three hundred and nine of the Revised Statutes, an assessment shall have been made against a distiller for a deficiency in not producing eighty per centum of the producing capacity of his distillery as established by law, or for the tax upon the spirits that should have been produced from the grain, or fruit, or molasses found to have been used in excess of the capacity of his distillery for any month, as estimated according to law, such excessive use of grain, or fruit, or molasses having arisen from a failure on the part of the distiller to maintain the capacity required by law to enable him to use such grain, or fruit, or molasses without incurring liability to such assessment, and it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue that said

deficiency, or that said failure, whereby such excessive use of grain, molasses, or fruit arose, was not occasioned by any want of diligence or by any fraudulent purpose, on the part of the distiller, but from misunderstanding as to the requirements of the law and regulations in that respect or by reason of unavoidable accidents, then, and in such case, the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury is authorized, on appeal made to him, to remit or refund such tax, or such part thereof as shall appear to him to be equitable and just in the premises:

Remission of tax not to be made on assessments made prior to January 1, 1874.

Provided, That no tax shall be remitted or refunded under the provisions of this section upon any assessment made prior to January first, eighteen hundred and seventy-four:

Distillers of fruit exempt from such assessments, except, &c.

Provided further, That no assessments shall be charged against any distiller of fruit for any failure to maintain the required capacity, unless the Commissioner shall, within six months after his receipt of each monthly report notify such distiller of such failure so to maintain the required capacity.

Tax on spirits accidentally destroyed by fire not to be collected, and if collected may be refunded in certain cases. R. S., § 3221.

[R. S., § 3221.] That section thirty-two hundred and twenty-one be amended by adding the following:

"And when any distilled spirits are hereafter destroyed by accidental fire or other casualty, without any fraud, collusion, or negligence of the owner thereof, after the time when the same should have been drawn off by the gauger and placed in the distillery-warehouse provided by law, no tax shall be collected on such spirits so destroyed, or, if collected, it shall be refunded upon the production of satisfactory proof that the spirits were destroyed as herein specified."

Rectifier's bond to be given before commencing business. R. S., § 3259. *Repealed;* see 1880, May 28, ch. 108, § 9.

SEC. 7. (**Rep.**) [Every rectifier shall, on filing with the collector his notice of intention to commence or continue business, after the passage of this act, and on the first day of May of each succeeding year, make and execute a bond in form prescribed by the Commissioner of Internal Revenue, with at least two sureties; said bond to be approved by the collector of the district.

—penal sum of.

The penal sum of said bond shall not be less, in the case of a rectifier who rectifies by the process of redistilling or of leaching, or both, than double the amount of tax imposed by law on the spirits that can be rectified by such rectifier during a period of ten days; and the penal sum of the bond required of any rectifier by any other process than those hereinbefore named shall be fixed under such regulations as may be prescribed by the Commissioner of Internal Revenue;

But in no case shall the penal sum be less than five hundred dollars nor more than fifty thousand dollars.

—condition.

The condition of said bond shall be that the principal shall faithfully comply with all the provisions of law in relation to the duties and business of rectifiers, and shall pay all taxes, penalties incurred, or fines imposed on him for violation of any of the said provisions.

—new, may be required.

A new bond may be required in case of the death, insolvency, or removal of either of the sureties, and in any other contingency affecting its validity or impairing its efficiency, at the discretion of the collector or Commissioner of Internal Revenue.

—penalty for carrying on business without, &c.

Any rectifier who, after the passage of this act, shall commence business without giving the bond required by this section, or who shall continue to carry on business, after demand made for such bond, without giving the same, or who shall fail to renew such bond when lawfully required, shall, on conviction, be fined not more than five thousand dollars;

—punishment for giving false or fraudulent. R. S., § 5418.

And any rectifier who shall give any false, forged, or fraudulent bond shall, on conviction, be subject to the penalties provided for in section fifty-four hundred and eighteen of the Revised Statutes.]

Rectifiers to give notice of intent to rectify. R. S., § 3259.

SEC. 8. When any rectifier intends to rectify or compound any distilled spirits, he shall give notice in duplicate to the collector of the district, in such form, and giving such particulars as the Commissioner of Internal Revenue may prescribe; one of such notices to be forwarded by the collector to the Commissioner of Internal Revenue.

Marshals may arrest and take before magistrates any persons operating illicit distilleries. R. S., §§ 1014–1016.

SEC. 9. Where any marshal or deputy marshal of the United States within the district for which he shall be appointed shall find any person or persons in the act of operating an illicit distillery, it shall be lawful for such marshal or deputy marshal to arrest such person or persons, and take him or them forthwith before some judicial officer named in section one thousand and fourteen of the Revised Statutes, who may reside in the county of arrest or if none, in that nearest to the place of arrest, to be dealt with according to the provisions of sections ten hundred and fourteen, ten hundred and fifteen, ten hundred and sixteen of the said Revised Statutes.

Condition of distiller's transportation bond for spirits withdrawn for export. R. S., §§ 3329, 3330. 1874, June 9, ch. 259, § 1. 1877, March 3, ch. 114, § 5. 1879, Dec. 20, ch. 1.

SEC. 10. That section one of an act entitled "An act to facilitate the exportation of distilled spirits, and amendatory of the acts in relation thereto", approved June ninth, eighteen hundred and seventy-four, be amended by inserting, after the word "therein" in the twelfth line, the words "and for the due performance on the part of the exporter or owner at the port of export of all the requirements in regard to notice of export, entry, and the giving of bond hereinafter specified";

Packages in bond for export may be changed.

And at the end of said section add, "and whenever a distiller of spirits in bond shall desire to change the packages in which the same is contained, in order to export them, the Commissioner of Internal Revenue shall be authorized, under regulations to be prescribed by him, and upon the execution of proper bonds with sufficient sureties, to permit the withdrawal of so much spirits from bond and in new packages as the distiller shall desire to export as aforesaid."

Penalty on brewers for failure to do acts required by law. R. S., § 3340.

[R. S., § 3340.] That section thirty-three hundred and forty of the Revised Statutes be amended by striking out the words "as aforesaid" in the sixth line.

Drawback of tax on stills exported. R. S., § 3244. 1880, May 28, ch. 108, § 18.

[R. S., § 3244.] That section thirty-two hundred and forty-four of Revised Statutes, and second division, be amended by adding thereto the following words:

"Upon all stills manufactured for export, and actually exported, there shall be allowed a drawback, where the tax thereon has been paid, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe."

IMPORTED-LIQUOR STAMPS, &c.

Imported liquors to be placed in public stores, inspected, and stamped. R. S., § 2926.

SEC. 11. That all distilled spirits, wines, and malt liquors, imported in pipes, hogsheads, tierces, barrels, casks, or other similar packages, shall be first placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected, marked, and branded by a United States customs-gauger, and a stamp affixed to each package, indicating the date and particulars of such inspection; and the Secretary of the Treasury is hereby authorized to prescribe the form of, and provide, the requisite stamps, and to make all regulations which he may deem necessary and proper for carrying the foregoing requirements into effect.

—forfeited if found without stamp.

Any pipe, hogshead, tierce, barrel, cask, or other package withdrawn from public store or bonded warehouse after the thirtieth day of June, eighteen hundred and seventy-nine, purporting to contain imported liquor, found without having thereon the stamp hereby required, shall be, with its contents, forfeited to the United States;

Casks of, when filled on premises of wholesale dealers, to have special stamp affixed.

And whenever any cask or package of imported distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery on the premises of any wholesale liquor-dealer, the same shall be stamped with a special stamp for imported spirits, under such rules and regulations as the Commissioner of Internal Revenue has prescribed, or may hereafter prescribe, in the case of domestic distilled spirits.

Stamps, &c., on imported packages to be defaced when

SEC. 12. That every person who empties or draws off, or causes to be emptied or drawn off, the contents of any package of imported liquors

liquor is drawn off, and casks, &c., not to be filled with domestic liquors.

Words stricken out; see 1880, May 28, ch. 108, § 12.

stamped as above required, shall, at the time of such emptying, efface, obliterate, and destroy the stamp thereon, and also all other marks or brands which shall have been placed thereon in accordance with the law or regulations concerning imported liquors; (**Rep.**) [and no cask or other package, such as is hereinbefore mentioned, in which distilled spirits, wines, or malt liquors have been imported, shall be used to contain domestic distilled spirits, under penalty of the forfeiture of such re-used cask or package and the contents thereof.]

Penalty for not effacing stamps on emptying packages. R. S., § 3324.

Every cask or other package from which the stamp for imported liquors required by this act to be placed thereon shall not be effaced, obliterated, or destroyed, on emptying such package, shall be forfeited, and the same may be seized by any officer of internal revenue wherever found; and all the provisions and penalties of section thirty-three hundred and twenty-four of the Revised Statutes of the United States, relating to empty casks or packages from which the marks, brands, or stamps have not been effaced or obliterated, and relating to the removal of stamps from packages, and to having in possession any stamps so removed, shall apply to the stamps for imported spirits herein provided for, and to the casks or other packages on which such stamps shall have been used.

— for dealing in or using empty imported packages with stamps remaining thereon.

SEC. 13. That if any person shall purchase or sell, with the imported-liquor stamp herein required remaining thereon, or any of the marks or brands which shall have been placed thereon in accordance with the laws or regulations concerning imported liquors remaining thereon, any cask or other package, after the same has been once used to contain imported liquors and has been emptied; or if any person shall use or have in possession such cask or package, with any imitation of such marks or brands, for the purpose of placing domestic distilled spirits therein for sale; (**Rep.**) [or shall, for such purpose, manufacture, use, or have in possession any cask or package made in imitation of, or intended to be in the similitude of, such imported casks or packages, with any imitation of such marks or brands thereon,] every such cask or package, with its contents, if any, shall be forfeited to the United States.

— for having, &c., imitation packages.

Words stricken out; see 1880, May 28, ch. 108, § 13.

— pecuniary penalty.

And every such person who shall violate any of the provisions of this section shall be liable to a penalty of two hundred dollars for every such cask or package so purchased, sold, (**Rep.**) [manufactured,] used, or had in possession.

TOBACCO.

Tax on tobacco and snuff to be sixteen cents a pound. R. S., § 3368. 1875, March 3, ch. 127, § 2.

SEC. 14. That the Revised Statutes be amended as follows, namely:

That on and after the first day of May eighteen hundred and seventy-nine, there shall be levied and collected upon all snuff manufactured of tobacco, or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use;

And upon all chewing and smoking tobacco, fine-cut, cavendish, plug or twist, cut or granulated, of every description;

On tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened, and on all fine cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of sixteen cents per pound.

— appropriation for alteration of dies for stamps.

And the sum of fifteen thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the alteration of dies and stamps, and such other expenses as are incident in preparing for the collection of the taxes on tobacco and snuff at the reduced rates provided in this act.

Special tax of $25 to be paid by dealers in leaf-tobacco. *Substitute for* R. S., § 3244, sub. 6.

[R. S., § 3244.] That the sixth subdivision of section thirty-two hundred and forty-four be amended to read as follows:

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay twenty-five dollars.

Every person shall be regarded as a dealer in leaf-tobacco whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; 1880, June 16, ch. 250. 16 Opin. Att'y-Gen., 89.

And payment of a special tax as dealer in tobacco, manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required.

But no farmer or planter, nor the executor or administrator of such farmer or planter, nor the guardian of any minor, shall be required to pay a special tax as a dealer in leaf-tobacco, for selling tobacco produced by said farmer or planter, or by said executor, administrator, or guardian, or received by either of them as rents from tenants who have produced the same on the land of said farmer, planter, or minor: Special tax: farmers, &c., not liable for, unless they sell at retail, &c.

Provided, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of, to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

"No sheriff or other officer acting under order or process of any court or magistrate, nor trustee, or other fiduciary, legally acting under the powers vested in him, shall be liable to said special tax as a dealer or retail dealer in selling tobacco under such authority. And no purchaser at any sale by such sheriff, officer, trustee, or fiduciary, shall be held liable to any other tax or restriction as to a sale of tobacco so purchased than he would have been had such purchaser been the producer thereof on his own land. —sheriffs, trustees, and other fiduciary persons acting under order of court, not liable for.

"Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export: To whom dealers in leaf-tobacco may sell.

Provided, It shall be lawful for any licensed manufacturer of cigars to purchase leaf-tobacco of any licensed dealer or other licensed manufacturer in quantities less than the original package, for use in his own manufactory exclusively."

That section thirty-three hundred and fifty-five be amended by striking out all after the said number, and substituting therefor the following: Manufacturers of tobacco or snuff to furnish statement to collector before commencing business, &c. *Substitute for* R. S., § 3355.

[R. S., § 3355.] Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of tobacco or snuff, shall furnish, without previous demand therefor, to the collector of the district where the manufacture is to be carried on, a statement in duplicate, subscribed under oath, setting forth

The place, and if in a city, the street and number of the street, where the manufacture is to be carried on; the number of cutting-machines, presses, snuff-mills, hand-mills, or other machines; the name, kind, and quality of the article manufactured or proposed to be manufactured;

And when the same is manufactured by him as agent for any other person, or to be sold and delivered to any other person under a special contract, the name and residence and business or occupation of the person for whom the said article is to be manufactured, or to whom it is to be delivered;

And he shall give a bond, to be approved by the collector of the district, in the sum of not less than two thousand nor more than twenty thousand dollars, to be fixed by the collector of the district, according to the quantum of business proposed to be done by the manufacturer, with right of appeal by the manufacturer to the Commissioner of Internal Revenue in respect to the amount of said bond, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the government of any tax on his manufactures; that he shall render truly and completely all the returns, statements, and in- —to give bond.

ventories prescribed by law or regulations; that whenever he adds to the number of cutting-machines, presses, snuff-mills, hand-mills, or other mills or machines as aforesaid, he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any manufactured tobacco or snuff which has not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff.

Additional sureties may be required of.

Additional sureties may be required by the collector from time to time.

Manufacturers of tobacco or snuff to obtain certificates of collector, and post the same.

"And every manufacturer shall obtain a certificate from the collector of the district, who is hereby directed to issue the same, setting forth the kind and number of machines, presses, snuff mills, hand mills, or other mills and machines as aforesaid; which certificate shall be posted in a conspicuous place within the manufactory.

—penalty on, for neglect.

And every tobacco-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined not less than one hundred dollars nor more than five hundred dollars.

—for manufacturing without giving bond.

And every person who manufactures tobacco or snuff of any description without first giving bond, as herein required, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one nor more than five years."

Dealers in leaf-tobacco to keep certain books.

Substitute for R. S., § 3360.

16 Blatch., 14.

That section thirty-three hundred and sixty be, and the same is hereby, amended by striking out all of said section, and by inserting in lieu of the words stricken out, the following words:

[R. S.] "SEC. 3360. Every dealer in leaf-tobacco shall make daily entries in two books kept for that purpose, one book to be furnished by the government, under such regulations as the Commissioner of Internal Revenue shall prescribe, of the number of hogsheads, cases, and pounds of leaf tobacco purchased or received by him on assignment, consignment, transfer, or otherwise, and of whom purchased or received, and the number of hogsheads, cases, or pounds sold by him, with the name and residence, in each instance, of the person to whom sold, and, if shipped, to whom shipped, and to what district; one of these books shall be kept at his place of business, and shall be open at all hours to the inspection of any internal-revenue officer or agent, and the other shall, at the end of each and every year, and upon the discontinuance of business of any leaf-dealer during any year, be handed over to the collector of his district for the use of the government.

—penalty on, for neglect, &c.

And every dealer in leaf-tobacco who willfully neglects or refuses to keep the books herein provided for, and in the manner which shall be prescribed by the Commissioner of Internal Revenue, or to transfer to the collector of his district, as herein provided, the duplicate copy containing his daily transactions, as aforesaid, shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not more than one year."

Packages of tobacco and cigars.

Substitute for R. S., § 3362.

That section thirty-three hundred and sixty-two be, and the same is hereby, amended by striking out all after said number, and substituting therefor the following:

—of tobacco; how put up.

16 Opin. Att'y-Gen., 89.

[R. S., § 3362.] "All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

—of snuff.

"All snuff, in packages containing one-half, one, two, three, four, six, eight, and sixteen ounces, or in bladders and in jars containing not exceeding twenty pounds;

—of fine-cut tobacco, &c.

"All fine-cut chewing-tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one, two, three, four, eight, and sixteen ounces, except that fine-cut chewing-tobacco may, at the

option of the manufacturer, be put up in wooden packages containing ten, twenty, forty, and sixty pounds each;

"All smoking-tobacco and all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, in packages containing two, three, four, eight, and sixteen ounces each; Packages of smoking-tobacco, &c.

"All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight. —of cavendish, plug, and twist tobacco.

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: —wooden packages to be marked.

Provided, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: —not to apply to tobacco and snuff for exportation.

And provided further. That fine-cut shorts, the refuse of fine-cut chewing-tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: Fine-cut shorts, &c., may be sold in bulk between manufacturers and for export without payment of tax.

And provided further, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish."

That section thirty-three hundred and seventy-one be amended by striking out all after the said number and substituting therefor the following: Assessment of tax on tobacco, snuff, and cigars removed without use of stamps. *Substitute for* R. S., § 3371. 3 Hughes, 227.

[R. S., § 3371.] "Whenever any manufacturer of tobacco, snuff, or cigars, sells, or removes for sale or consumption, any tobacco, snuff, or cigars, upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon satisfactory proof, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector.

The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal:

Provided, however, That no such assessment shall be made until and after notice to the manufacturer of the alleged sale and removal to show cause against said assessment; and the Commissioner of Internal Revenue shall, upon a full hearing of all the evidence, determine what assessment, if any should be made." —previous notice to show cause to be given.

[R. S., § 3377.] That section thirty-three hundred and seventy-seven be, and the same is hereby, amended by adding thereto the following words: Imported scraps, cuttings, &c., of tobacco may be transferred to factory without payment of internal-revenue tax. R. S., § 3377.

"*Provided*, That scraps, cuttings, and clippings of tobacco imported from any foreign country may, after the proper customs duty has been paid thereon, be withdrawn in bulk without the payment of the internal-revenue tax, and transferred as material directly to the factory of a manufacturer of tobacco or snuff, or of a cigar-manufacturer, under such restrictions and regulations as shall be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury."

SEC. 15. That section thirty-three hundred and eighty-three of the Revised Statutes be amended by striking out all after the said number and substituting therefor the following:

[R. S., § 3383.] "Every peddler of tobacco shall obtain a certificate from the collector of his collection-district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, the class of his special-tax stamp, and the fact of his having filed the required bond; Peddlers of tobacco to obtain certificate from collector, &c. *Substitute for* R. S., § 3383.

And shall on demand of any officer of internal revenue, produce and exhibit said certificate and his special-tax stamp, and, unless he shall do so, may be deemed not to have paid the special tax, nor otherwise to have complied with the law.

Peddlers: forfeiture for refusing to produce special-tax stamp and certificate to officer on demand.

And whenever any peddler refuses to exhibit his special-tax stamp and certificate, or either of them, as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon and contents, or pack, bundle, or basket, of any person so refusing;

And the collector of the district in which the seizure occurs may, on ten day's notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horses or mules, wagon and contents, pack, bundle, or basket, so seized, shall not be forfeited.

In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures.

—certificate may be demanded of, by revenue agents; penalty for refusal to produce, &c.

Any internal-revenue agent may demand production of, and inspect the peddler's special-tax stamp and the collector's certificate for peddlers; and refusal or failure to produce the same, or either of them, when so demanded, shall subject the party guilty thereof to a fine of not less than fifty dollars nor more than five hundred dollars, and to imprisonment for not less than thirty days nor more than twelve months."

Horses, wagons, packs, &c., of those peddling unlawfully may be seized by collector, &c. R. S., § 3383.

[R. S., § 3384.] That section thirty-three hundred and eighty-four be amended by adding thereto as follows:

"And any collector or deputy collector finding such peddler in the act of offending as to either of the offenses mentioned in this section, may seize the horse or horses, mule or mules, wagon and contents, or pack, bundle, or basket, of any such person; and the collector shall thereupon proceed upon such seizure as provided in section thirty-three hundred and eighty-three" as amended in the previous section.

Drawback of tax paid on tobacco, snuff, and cigars, when same are exported, &c. *Substitute for* R. S., § 3386.

SEC. 16. That section thirty-three hundred and eighty-six be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3386.] "There shall be an allowance of drawback on tobacco, snuff, and cigars on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed; the evidence that the stamps were so affixed, and the amount of tax so paid, and of the subsequent exportation of the said tobacco, snuff, and cigars, to be ascertained under such regulations as shall be prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury.

1875, Feb. 8, ch. 36, §§ 24, 25.

—how paid.

Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated:

—not to be paid until certain certificate is furnished and bond given.

Provided, That no claim for an allowance of drawback shall be entertained or allowed until a certificate from the collector of customs at the port from which the goods have been exported, or other evidence satisfactory to the Commissioner of Internal Revenue, has been furnished, that the stamps affixed to the tobacco, snuff, or cigars entered and cleared for export to a foreign country were totally destroyed before such clearance; nor until the claimant has filed a bond, with good and sufficient sureties, to be approved by the collector of the district from which the goods are shipped, in a penal sum double the amount of the tax for which said claim is made, that he will procure, within a reasonable time, evidence satisfactory to the Commissioner of Internal Revenue that said tobacco, snuff, or cigars have been landed at any port without the jurisdiction of the United States, or that after shipment the same were lost at sea, and have not been relanded within the limits of the United States."

[R. S. § 3387.] That section thirty-three hundred and eighty-seven be, and the same is hereby, amended by striking out, after the words "shall be conditioned that", in the second sentence, the words "he shall not employ any person to manufacture cigars who has not been duly registered as a cigar-maker."

Bond of manufacturer of cigars not to be conditioned to employ only registered makers. R. S., § 3387.

That section thirty-three hundred and eighty-nine be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

Record of cigar-makers to be kept by collectors, &c. *Substitute for* R. S., § 3389.

[R. S., § 3389.] "Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventories and monthly returns.

And he shall cause the several manufacturers of cigars in the district to be numbered consecutively, which number shall not thereafter be changed."

That section thirty-three hundred and ninety-two be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

Cigars, how to be packed; penalty for violations, &c. *Substitute for* R. S., § 3392.

[R. S., § 3392.] "All cigars shall be packed in boxes not before used for that purpose, containing, respectively, twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each;

And every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not less than one hundred dollars nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years:

Provided, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers who have paid the special tax as such from boxes packed, stamped, and branded in the manner prescribed by law:

—how may be sold at retail.

And provided further, That every manufacturer of cigarettes shall put up all the cigarettes that he either manufactures or has made for him, and sells or removes for consumption or use, in packages or parcels containing ten, twenty, fifty, or one hundred cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe;

Cigarettes; how to be put up and stamped.

And all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house, before they are withdrawn therefrom."

—imported, to pay tax by stamp in addition to import duty.

That section thirty-three hundred and ninety-three be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

Cigars to have label and notice on boxes; penalty for neglect. *Substitute for* R. S., § 3393.

[R. S., § 3393.] "Every manufacturer of cigars shall securely affix, by pasting on each box containing cigars manufactured by or for him, a label, on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words:

"NOTICE.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned not to use either this box for cigars again, or the stamp thereon again, nor to remove the contents of this box without destroying said stamp, under the penalties provided by law in such cases.

"Every manufacturer of cigars who neglects to affix such label to any box containing cigars made by or for him, or sold or offered for sale by or for him, and every person who removes any such label, so affixed,

—penalty on manufacturer who neglects, &c.

from any such box, shall be fined fifty dollars for each box in respect to which such offense is committed."

Removal without boxing, stamping, &c., cigars. *Substitute for* R. S., § 3397.

That section thirty-three hundred and ninety-seven be, and the same is hereby, amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3397.] "Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this chapter, or without the proper stamp thereon denoting the tax, or without stamping, indenting, burning, or impressing into each box, in a legible and durable manner, the number of the cigars contained therein, the number of the manufactory, and the number of the district and the State, or without properly affixing thereon and canceling the stamp denoting the tax on the same, or are sold, or offered for sale, not properly boxed and stamped, they shall be forfeited to the United States.

—forfeiture.

—penalty for same.

And every person who commits any of the above-described offenses shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than two years.

Penalty for packing in boxes having false or fraudulent stamps, removing stamps, using removed stamps, &c.

And every person who packs cigars in any box bearing a false or fraudulent or counterfeit stamp, or who affixes to any box containing cigars a stamp in the similitude or likeness of any stamp required to be used by the laws of the United States, whether the same be a customs or internal-revenue stamp, or who buys, receives, or has in his possession any cigars on which the tax to which they are liable has not been paid, or who removes, or causes to be removed, from any box any stamp denoting the tax on cigars, with intent to use the same, or who uses, or permits any other person to use, any stamp so removed, or who receives, buys, sells, gives away, or has in his possession any stamp so removed, or who makes any other fraudulent use of any stamp intended for cigars, or who removes from the place of manufacture any cigars not properly boxed and stamped as required by law, shall be deemed guilty of a felony, and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years:

Cigars exported exempt from internal-revenue tax. R. S., § 3393.

Provided, That cigars packed expressly for export, and which shall be exported to a foreign country under the restrictions and regulations prescribed by the Commissioner of Internal Revenue, and approved by the Secretary of the Treasury, shall be exempt from the provisions of this section, and also from the provisions of section thirty-three hundred and ninety-three of the Revised Statutes, requiring a label to be affixed to each box."

STAMPS.

SEC. 17. That the Revised Statutes be amended as follows, namely:

That section thirty-four hundred and twenty-six be amended by striking out all after the said number, and substituting therefor the following:

Redemption of and refund for stamps spoiled, rendered useless, or where tax is excessive in amount, or wrongfully collected, &c. *Substitute for* R. S., § 3426. 11 Ct. Cls., 659. 96 U. S., 567. 13 Ct. Cls., 365.

[R. S., § 3426.] "The Commissioner of Internal Revenue may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps issued under the provisions of this title, or of any internal-revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which, through mistake, may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected; and such allowance or redemption shall be made either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof;

But no allowance or redemption shall be made in any case until the

stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why the same cannot be so returned:

Provided, That nothing herein shall be held as authorizing redemption of, or allowance for, any of the stamps allowance for which is prohibited by the provisions of 'An act relative to the redemption of unused stamps', approved July twelfth, eighteen hundred and seventy-six".

Redemption, &c., of stamps, not to apply to documentary stamps, except, &c. 1876, July 12, ch. 181.

"That claims for allowance on account of stamps arising under section thirty-four hundred and twenty-six of the Revised Statutes as restricted by "an act relative to the redemption of unused stamps, approved July twelfth eighteen hundred and seventy-six, may be allowed, if presented within three years after the purchase of said stamps from the government, or a government agent for the sale of stamps, and not otherwise:

—no allowance to be made for stamps not presented within three years after purchase. R. S., §§ 3426, 3689. 1876, July 12, ch. 181.

Provided, That no existing claim for the redemption of or allowance for any internal-revenue stamps other than the two-cent documentary stamps shall be allowed, unless presented within one year from the date of the passage of this act:

—nor for certain stamps after March 1, 1881.

Provided further, That from and after June thirtieth, eighteen hundred and seventy-nine, no allowance shall be made, in any manner, for documentary stamps other than those of the denomination of two cents."

—nor for other documentary stamps after June 30, 1879.

That section thirty-four hundred and twenty-nine be amended by striking out all after the said number, and substituting therefor the following:

Penalties for counterfeiting, &c., or fraudulently using, &c., stamps, dies, plates, &c. *Substitute for* R. S., § 3429.

[R. S., § 3429.] "If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of the provisions of this chapter, or of any previous provisions of law on the same subjects, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument as aforesaid, upon any paper, or shall stamp or mark, or cause or procure to be stamped or marked, any paper, with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate, or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof;

Or if any person shall utter, or sell, or expose to sale, any paper, article, or thing, having thereupon the impression of any such counterfeited stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, or any such forged, counterfeited or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled;

—for uttering counterfeit stamps, &c.

Or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States;

—for using same.

Or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of this chapter, or of any previous provisions of law on the same subjects, from any paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law;

—for fraudulently cutting, removing, &c., stamps.

Or if any person shall fraudulently use, join, fix, or place, or cause to be used, joined, fixed, or placed, to, with, or upon any paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law;

—for fraudulently using removed stamps.

Penalty for removing, altering, &c., canceling marks.

Or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof;

—for having in possession washed or altered stamps.

Or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any article, paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall, on conviction thereof, forfeit the said counterfeit, washed, restored, or altered stamps, and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court.

Prima-facie evidence of washing, restoring, &c.

And the fact that any adhesive stamp so bought, sold, offered for sale, used, or had in possession as aforesaid, has been washed or restored by removing or altering the canceling or defacing marks thereon, shall be prima facie proof that such stamp has been once used and removed by the possessor thereof from some paper, instrument, or writing, charged with taxes imposed by law, in violation of the provisions of this section."

Export drawback on fermented liquors, medicines, perfumery, playing-cards, &c.
R. S., *Sch. A, after* § 3437.
Substitute for R. S., 3441.

That section thirty-four hundred and forty-one be amended by striking out all after the said number, and substituting therefor the following:

[R. S., § 3441.] "There shall be an allowance of drawback on fermented liquors and on all articles mentioned in Schedule A, on which any internal tax shall have been paid, except lucifer or friction matches, cigar-lights, and wax-tapers, equal in amount to the tax paid thereon, and no more, when exported, to be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated:

Provided, That no allowance of drawback shall be made for any such articles exported prior to March thirty-first, eighteen hundred and sixty-eight.

—evidence of payment of tax and amount; how furnished.

The evidence that any such tax has been paid as aforesaid shall be furnished to the satisfaction of the Commissioner of Internal Revenue by the person claiming the allowance of drawback, and the amount shall be ascertained under such regulations as shall be prescribed from time to time by the Commissioner, under the direction of the Secretary of the Treasury.

—form of certificates for.

And the said Secretary may make such regulations with regard to the form of certificates of drawback, and the issuing thereof, as he may deem necessary."

Commissioner may establish and change form of stamps, prescribe manner of attaching, protecting, removing, &c.
Substitute for R. S., § 3446.
16 Opin. Att'y-Gen., 444.

SEC. 18. That section thirty-four hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

[R. S.] "SEC 3446. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

Such stamps shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as he, with the approval of the Secretary of the Treasury, may prescribe; and he is hereby authorized and empowered to make, with the approval of the Secretary of the Treasury, all needful regulations relating thereto; and all pains, penalties, fines, and forfeitures now provided by law relating to internal-revenue stamps shall apply to and have full force and effect in relation to any and all stamps which may or shall be so established by the Commissioner of Internal Revenue":

Provided, Such stamps or device or instrument or means of removal or obliteration, shall entail no additional expense upon the persons required to affix or use the same.

SEC. 19. [R. S., § 3430.] That the proviso to section thirty-four hundred and thirty of the Revised Statutes is hereby amended to read as follows:

"*Provided*, That lucifer or friction matches, and cigar-lights, and wax-tapers, and all articles upon which a tax is imposed by law, as enumerated and mentioned in Schedule A following section thirty-four hundred and thirty-seven of the Revised Statutes, may be removed from the place of manufacture for export to a foreign country, without payment of tax, or affixing stamps thereto, under such regulations as the Commissioner of Internal Revenue may prescribe."

Matches, cigar-lights, wax-tapers, medicines, perfumery, playing-cards, &c., may be removed from manufactory for export without payment of tax.
R. S., § 3430.
R. S., *Sch. A, after* § 3437.

SEC. 20. (**Rep.**) [That under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of perfumery, medicines, or preparations for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages from any distillery-warehouse, so much alcohol as he may require for the said purpose, without the payment of the internal-revenue tax thereon.]

Alcohol for manufacture of perfumery, &c., in warehouse, for export, may be withdrawn from distillery without payment of tax.
R. S., § 3433.
For substitute, see 1880, May 28, ch. 108, § 14.

SEC. 21. That the word "gallon", wherever used in the internal-revenue law, relating to beer, lager-beer, ale, porter, and other similar fermented liquors, shall be held and taken to mean a wine-gallon, the liquid measure containing two hundred and thirty-one cubic inches.

Gallon, as used in internal-revenue laws, defined.
16 Opin. Att'y-Gen., 361.

SEC. 22. That whenever and after any bank has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent;

Bank-tax not to be assessed on banks ceasing to do business on account of insolvency in certain cases; abatement, &c., of tax.
R. S., §§ 3407–3417, 5214.

And the Commissioner of Internal Revenue, when the facts shall so appear to him, is authorized to remit so much of said tax against insolvent State and savings banks as shall be found to affect the claims of their depositors.

That in making further collections of internal-revenue taxes on bank deposits, no savings-bank, recognized as such by the laws of its State, and having no capital stock, shall, on account of mercantile or business deposits heretofore received, upon which no interest has been allowed to the parties making such deposits, be denied the exemptions allowed to savings-banks having no capital stock, and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the banks, if such bank has paid the lawful tax upon the entire average amount of such business or mercantile deposits;

Certain deposits heretofore received by savings-banks not to be taxed.
R. S., § 3408.
1874, June 18, ch. 304.
1874, June 22, ch. 399.

But nothing in this section shall be construed to extend said exemptions to deposits hereafter made, or in any way to affect the liability of such deposits to taxation.

[R. S., § 3408.] That section thirty-four hundred and eight of the Revised Statutes be amended by striking out all after the thirtieth line and inserting the following:

Savings-banks exempt from certain other taxation.
Substitute for part of
R. S., § 3408.

"Associations or companies known as provident institutions, savings-banks, savings-funds, or savings institutions doing no other business than receiving and loaning or investing savings deposits shall be exempt from tax on so much of such deposits as they have invested in securities of the United States, and on two thousand dollars of savings deposits and nothing in excess thereof, made in the name of and belonging to any one person.

1874, June 18, ch. 304. June 22, ch. 399.
15 Blatch., 398.

That all laws and parts of laws inconsistent with the provisions of this section, be, and the same are hereby repealed.

Repeal.

References in this to Revised Statutes mean the second edition.

SEC. 23. That wherever in any of the foregoing sections of this act the Revised Statutes are referred to, it shall be held to mean the "edition of eighteen hundred and seventy-eight". [*March* 1, 1879.]

CHAPTER 170.

March 3, 1879.
20 Stat. L., 352.

AN ACT TO AMEND SECTION TWENTY FOUR HUNDRED AND THREE OF THE REVISED STATUTES OF THE UNITED STATES, IN RELATION TO DEPOSITS FOR SURVEYS.

Deposits made for public surveys to go in part payment of lands, or certificate may be assigned or used in payment of lands.

Deposits made for public surveys to go in part payment of lands, or certificate may be assigned and used in payment of lands.
R. S., § 2401.
Substitute for R. S. § 2403.
1876, April 27, ch. 84.

Be it enacted, &c., That section twenty-four hundred and three of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and one, the amount so deposited shall go in part payment for their land situated in the townships, the surveying of which is paid for out of such deposits; or the certificates issued for such deposits may be assigned by indorsement, and be received in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws of the United States, and not otherwise. [*March* 3, 1879.]

CHAPTER 171.

March 3, 1879.
20 Stat. L., 352.

AN ACT GRANTING LANDS TO THE STATE OF MINNESOTA IN LIEU OF CERTAIN LANDS HERETOFORE GRANTED TO SAID STATE.

Lands granted to Minnesota in lieu of former grants. | —to be selected within three years.

Lands granted to Minnesota in lieu of former grants.
1857, ch. 60, § 5 (11 Stat. L., 167).

Be it enacted, &c., That there be, and hereby are, granted to the State of Minnesota, to be selected by the governor of said State, twenty-four sections of land, out of any public lands of the United States not otherwise appropriated, in lieu and instead of twenty-four sections of the land granted to said State of Minnesota by the fourth subdivision of section five of an act entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government preparatory to their admission in the Union on an equal footing with the original States", approved February twenty-sixth, eighteen hundred and fifty-seven, and selected by said State, but which were subsequently otherwise disposed of by the United States, and to which the United States cannot make title to the said State of Minnesota:

—to be selected within three years.

Provided, That the lands herein granted shall be selected within three years, and from unoccupied lands of the United States lying within the State of Minnesota. [*March* 3, 1879.]

CHAPTER 173.

March 3, 1879.
20 Stat. L., 353.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO PROVIDE FOR FURNISHING TRUSSES TO DISABLED SOLDIERS", APPROVED MAY TWENTY-EIGHTH, EIGHTEEN HUNDRED AND SEVENTY-TWO.

Trusses; when to be furnished to soldiers, petty-officers, seamen, and marines. | —application for and purchase of; how made.

Trusses; when to be furnished to soldiers, petty-officers, seamen, and marines.
Substitute for R. S., § 1176.

Be it enacted, &c., That section one of the act entitled "An act to provide for furnishing trusses to disabled soldiers", approved May twenty-eighth, eighteen hundred and seventy two, (1) be, and the same is hereby, amended so that said section shall read as follows:

NOTE.—(1) The act of 1872, ch. 228 (17 Stat. L., 164), here referred to, is incorporated into the Revised Statutes in §§ 1176, 1177, and 1178, and so is repealed by § 5596.

That every soldier of the Union Army, or petty-officer, seaman, or marine in the naval service, who was ruptured while in the line of duty during the late war for the suppression of the rebellion, or who shall be so ruptured thereafter in any war, shall be entitled to receive a single or double truss of such style as may be designated by the Surgeon-General of the United States Army as best suited for such disability;

And whenever the said truss or trusses so furnished shall become useless from wear, destruction, or loss, such soldier, petty-officer, seaman, or marine shall be supplied with another truss on making a like application as provided for in section two (2) of the original act of which this is an amendment:

Provided, That such application shall not be made more than once in two years and six months;

Trusses: application for and purchase of; how made.

And provided further, That sections two and three (2) of the said act of May twenty-eighth, eighteen hundred and seventy-two, shall be construed so as to apply to petty-officers, seamen, and marines of the naval service, as well as to soldiers of the Army. [*March* 3, 1879.]

Substitute for R. S., §§ 1177, 1178.

NOTE.—(2) These two sections, here referred to, are the same as R. S., §§ 1177, 1178.

CHAPTER 174.

AN ACT TO VALIDATE AND CONFIRM CERTAIN ACKNOWLEDGMENTS OF DEEDS AND OTHER INSTRUMENTS OF WRITING UNDER SEAL MADE IN A FOREIGN COUNTRY FOR LANDS LYING IN THE DISTRICT OF COLUMBIA, AND THE RECORDS THEREOF.

March 3, 1879.
20 Stat. L., 353.

Certain acknowledgments of deeds, &c., for District of Columbia taken in foreign countries made valid.

Be it enacted, &c., That all acknowledgments of deeds and other instruments of writing under seal heretofore made in a foreign country, before any secretary of legation, consul, or consular officer of the United States, for lands lying in the District of Columbia, are hereby validated and confirmed, and the same, and the records of the said deeds and instruments, if the said deeds and instruments have been recorded, are declared to be as good and effectual, in behalf of the grantees therein named, and all persons claiming through or under them, as if the said acknowledgments and records had been respectively made and recorded under the provisions of existing laws:

Certain acknowledgments of deeds, &c., for District of Columbia taken in foreign countries made valid.

Provided, That nothing in this act shall be construed [*to*] divest just rights already acquired in good faith by creditors of or purchasers from the grantors in such deeds or instruments. [*March* 3, 1879.]

CHAPTER 176.

AN ACT [AN ACT] TO GIVE CIRCUIT COURTS APPELLATE JURISDICTION IN CERTAIN CRIMINAL CASES.

March 3, 1879.
20 Stat. L., 354.

SECTION
1. Circuit courts to have jurisdiction of writs of error to district courts in criminal cases. — on exceptions to be allowed by judge.
2. — writs of error, when and how presented, and when to stay proceedings.
2. — on writs of error; judge to require bond. — bail in case of stay of proceedings.
3. — when writ of error to be returnable. — proceedings in case of affirmation and of reversal.

Be it enacted, &c.

[SECTION 1], The circuit court for each judicial district shall have jurisdiction of writs of error in all criminal cases tried before the district court where the sentence is imprisonment or fine and imprisonment, or where, if a fine only, the fine shall exceed the sum of three hundred dollars; and in such case a respondent feeling himself aggrieved by a decision of a district court, may except to the opinion of the court, and tender his bill of exceptions, which, shall be settled and allowed according to the truth, and signed by the judge, and it shall be a part of the record of the case.

Circuit courts to have jurisdiction of writs of error to district courts in criminal cases. R. S., § 633.

— on exceptions to be allowed by judge. R. S., § 563.

In circuit courts: writs of error; when and how presented, and when to operate to stay proceedings. 100 U. S., 342.

SEC. 2. Within one year next after the end of the term at which such sentence shall be pronounced, and not after, the respondent may petition for a writ of error from the judgment of the district court in the cases named in the preceding section, which petition shall be presented to the circuit judge or circuit justice in term or vacation, who, on consideration of the importance and difficulty of the questions presented in the record, may allow such writ of error, and may order that such writ shall operate as a stay of proceedings under the sentence; but the allowance of such writ shall not so operate without such order.

—judge to require bond.

The judge or justice allowing such writ of error shall take a bond with sufficient sureties that the same shall be prosecuted to effect, and that the respondent shall abide the judgment of the circuit court thereon.

—bail in case of stay of proceedings.

And if the writ shall be allowed to operate as a stay of proceedings under the sentence, bail may in like manner be taken for the appearance of the respondent at the term of the circuit court to which such writ of error shall be returnable, and that he will not depart without leave of court.

—when writ of error to be returnable.

SEC. 3. Such writ of error so allowed shall be returnable to the next regular term of the circuit court for the district, and shall be served on the district attorney of the United States for such district.

—may be advanced for speedy trial.

The circuit court may advance all such writs of error on its docket in order that speedy justice may be done.

—proceedings in case of affirmance and of reversal.

And in case of an affirmance of the judgment of the district court, the circuit court shall proceed to pronounce final sentence and to award execution thereon; but if such judgment shall be reversed, the circuit court may proceed with the trial of said cause de novo, or remand the same to the district court for further proceedings. [*March 3*, 1879.]

CHAPTER 177.

March 3, 1879.

20 Stat. L., 355.

AN ACT TO PROVIDE FOR THE HOLDING OF TERMS OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES AT FORT SCOTT, KANSAS

SECTION
1. Circuit and district courts in Kansas to be held at Fort Scott on second Monday in January for trial of cases by consent.
2. Marshal and district attorney to appoint deputies for same.
3. Building to be provided by county or city.

Be it enacted, &c.

Circuit and district courts in Kansas to be held at Fort Scott on second Monday in January for trial of cases by consent. R. S., §§ 572, 658.

[SECTION 1], That there shall be one term of the United States district and circuit courts for the district of Kansas held in the city of Fort Scott in each year, the terms of said courts to be held on the second Monday of January from and after the passage of this act.

But no cause, action, or proceeding shall be tried or considered in the courts respectively herein provided for unless by consent of all the parties thereto, or order of the court for cause.

Marshal and district attorney to appoint deputies for same.

SEC. 2. That the clerk of the district court for the district of Kansas, the marshal and district attorney for said district, shall perform the duties pertaining to their offices respectively for said courts; and said clerk and marshal shall appoint a deputy to reside and keep their offices at Fort Scott, and who shall, in the absence of their principals, do and perform all the duties appertaining to their said offices respectively.

Building to be provided by county or city, or no courts to be held there.

SEC. 3. That each of said courts shall be held in a building to be provided for that purpose by the county or city authorities without expense to the United States.

If no suitable building is provided without expense to the United States, then, and in that case, no court shall be held at said place. [*March* 3, 1879.]

CHAPTER 180.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

March 3, 1879.
20 Stat. L., 355.

SECTION

1. *Par.* 1. Superintendent of Railway Mail Service and Chief of Special Agents to be allowed traveling expenses.
Par. 2. Advertisements of general mail-letting.
Par. 3. Post-route maps may be sold at cost.
Par. 4. Persons not prohibited from receiving and delivering mail-matter at nearest office, &c.
Members of Congress, &c., may send and receive by mail public documents free until December after expiration of term of office.
Par. 5. Estimates for railway mail service. Prohibition of increase of postal-car service repealed.
Par. 6. Certain postal employés required to wear no uniform except a badge.
Par. 7. Postal cards, at two cents each, for foreign postal service.
3. On what trains, &c., mails shall be carried.
4. How postal cars shall be constructed.
5. Deductions of pay when railways fail to deliver mail on time. *Repealed.*
6. Postmaster-General may require certain data of railways.
— to report to Congress.
7. Classes of mailable matter.
8. First class.
9. Postage on first-class matter.
— on drop-letters and postal cards, &c.
10. Second-class matter.
11. — rates of postage on.
12. — examination of.
13. — penalty for false evidence concerning.
14. — on what conditions publications admitted as.
15. — foreign periodicals admitted as.
16. — supplements to publications may be sent.
17. Third-class matter, postage on.
— in foreign mails free of duty, except, &c.
18. — circular defined.
19. Printed matter defined.
20. Fourth-class matter defined, and what is excluded from mails.
21. — rate of postage on.
Proceedings in case of non-mailable matter reaching office of delivery.
— obscene books not to be delivered.
22. What may be written on second, third, and fourth class mail-matter.
23. When other writing thereon or inclosed, letter-postage to be charged, &c.
— publishers may inclose bills and receipts.
24. Regulations for wrapping second-class matter.
25. Publications free to subscribers in county of publication.
— when deposited in letter-carrier offices for delivery to pay postage, except, &c.
26. Part-paid letters to be delivered on payment of deficiency by special stamps.
Commissions to postmasters on special stamps for unpaid postage.
Regulations may be made for free-delivery offices.
27. Penalty for failing to account for postage, or to cancel stamps, &c., by officials.
28. — for washing, selling, using, &c., canceled stamps, stamped envelopes, &c.
29. Letters, &c., on official business may be sent free of postage by all officers of government and of Smithsonian Institution in official envelopes.
— except pension agents and some other officers.
30. New sureties for mail contracts may be required.
31. Acting postmasters during vacancy of office to receive pay.
32. Letter-sheet envelopes.
Double postal cards and double-letter envelopes.
— but no royalty for patent thereon to be paid.
33. When act takes effect; repeal.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

Superintendent of Railway Mail Service and Chief of Special Agents to be allowed traveling expenses.

[*Par.* 1.] The Superintendent of Railway Mail Service and the Chief of Special Agents shall be paid their actual expenses while travelling on the business of the department.

* * * * * * * *

Advertisements of general mail-letting.
1876, July 12, ch. 179, § 1.
1881, March 1, ch. 96, § 1, par. 1.

[*Par.* 2.] (1) That the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted up in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings.

* * * * * * * *

Post-route maps may be sold at cost, &c.
1878, June 17, ch. 259, § 1, par. 2.

[*Par.* 3.] For preparation and publication of post-route maps, including revision of former editions, and maps, diagrams, and other information, thirty five thousand dollars; and the Postmaster-General may authorize the publication and sale of said maps to individuals at the cost thereof; the proceeds of said sales to be applied as a further appropriation for said purpose.

* * * * * * * *

Persons not prohibited from receiving and delivering mail-matter at nearest office, R. S., § 3982.
Members of Congress, Secretary of Senate, and Clerk

[*Par.* 4.] That nothing contained in section thirty-nine hundred and eighty-two of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail-matter properly stamped:

Provided further that from and after the passage of this act Senators, Representatives and Delegates in Congress, the Secretary of the Senate

NOTE.—(1) This provision is repeated in the act of 1881, March 1, ch. 96 (21 Stat. L., 376).

of House may send and receive by mail public documents free until December after expiration of term of office.
R. S., §§ 3896–3913.

and Clerk of the House of Representatives, may send and receive through the mail free, all public documents printed by order of Congress; and the name of each Senator, Representative, Delegate, Secretary of the Senate, and Clerk of the House shall be written thereon with the proper designation of the office he holds, and the provisions of this section shall apply to each of the persons named herein until the first Monday of December, following the expiration of their respective terms of office.

1874, ch. 456, § 13. 1875, ch. 128, § 3. 1875, March 3, ch. 128, § 3. 1877, March 3, ch. 103, § 7. 1877, Dec. 15, ch. 3, § 1.

* * * * * * *

Estimates for railway mail service; how to be made, &c.
R. S., § 414.

[*Par.* 5.] That hereafter, in making his estimates for railway mail service, the Postmaster General shall separate the estimate for postal-car service from the general estimates; and in case any increase or diminution of service by postal cars shall be made by him, the reasons therefor shall be given in his annual report next succeeding such increase or diminution.

Prohibition of increase of postal-car service repealed.
1878, Dec. 21, ch. 10 (20 Stat. L., 259).

And the proviso to the act entitled "An act to provide for a deficiency in the appropriation for transportation of mails by railroads for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine", approved December twenty first, eighteen hundred and seventy eight, is hereby repealed:

* * * * * * *

Postal employés required to wear no uniform except a badge.
R. S., § 3867.

[*Par.* 6.] That postal clerks, route agents, and mail route messengers shall not be required to wear uniform other than a cap or badge.

* * * * * * *

Postal cards at two cents each for foreign postal service to be provided.
R. S., § 3916.

[*Par.* 7.] And the Postmaster-General is hereby authorized to furnish and issue to the public postal cards with postage stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June first, eighteen hundred and seventy eight, at a postage charge of two cents each, including the cost of their manufacture.

* * * * * * *

On what trains, &c., mails shall be carried.
R. S., § 4000.

SEC. 3. The Postmaster General shall, in all cases, decide upon what trains and in what manner the mails shall be conveyed.

How postal cars shall be constructed.
R. S., § 4005.

SEC. 4. That all cars or parts of cars used for the railway mail service shall be of such style, length, and character, and furnished in such manner, as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, and lighted by and at the expense of the railroad companies.

Deductions of pay when railways fail to deliver mail on time.
R. S., § 4002.
1878, June 17, ch. 259, § 1, par. 4.
Repealed by 1880, June 11, ch. 206.

SEC. 5. (**Rep.**) [That the Postmaster General shall deduct from the pay of the railroad companies, for every failure to deliver a mail within its schedule time, not less than one half of the price of the trip, and where the trip is not performed, not less than the price of one trip, and not exceeding, in either case, the price of three trips:

Provided, however, That if the failure is caused by a connecting road, then only the connecting road shall be fined.

And where such failure is caused by unavoidable casualty, the Postmaster General, in his discretion, may remit the fine. And he may make deductions and impose fines for other delinquencies.]

Postmaster-General may require certain data of railways.
R. S., § 4002.

SEC. 6. That the Postmaster General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts and expenditures of such roads as may, in his judgment be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same;

— to report to Congress.
R. S., § 414.

And he shall, in his annual report to Congress, make such recommendations, founded on the information obtained under this section, as shall, in his opinion, be just and equitable.

Classes of mailable matter.
R. S., § 3875.

SEC. 7. That mailable matter shall be divided into four classes:

First, written matter;

Second, periodical publications;

Third, miscellaneous printed matter;

Fourth, merchandise.

FIRST-CLASS MATTER.

SEC. 8. Mailable matter of the first class shall embrace letters, postal cards, and all matters wholly or partly in writing, except as hereinafter provided.

Postage on first-class matter. R. S., § 3903.

SEC. 9. That on mailable matter of the first class, except postal cards and drop letters, postage shall be prepaid at the rate of three cents for each half ounce or fraction thereof;

— on postal cards. R. S., § 3916.

Postal cards shall be transmitted through the mails at a postage charge of one cent each, including the cost of manufacture;

— on drop letters. R. S., § 3904.

And drop letters shall be mailed at the rate of two cents per half ounce or fraction thereof, including delivery at letter carrier offices, and one cent for each half ounce or fraction thereof where free delivery by carrier is not established.

— on soldiers', sailors', &c.; when may not be prepaid. R. S., § 3902.

The Postmaster General may, however, provide, by regulation, for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States to their destination, to be paid on delivery.

SECOND-CLASS MATTER. R. S., § 3877.

SEC. 10. That mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in section twelve and fourteen.

— rates of postage on. R. S., §§ 3872, 3905. 1874, June 23, ch. 456, § 5.

SEC. 11. Publications of the second class except as provided in section twenty five, when sent by the publisher thereof, and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be entitled to transmission through the mails at two cents a pound or a fraction thereof, such postage to be prepaid, as now provided by law.

— examination of.

SEC. 12. That matter of the second class may be examined at the office of mailing, and if found to contain matter which is subject to a higher rate of postage, such matter shall be charged with postage at the rate to which the inclosed matter is subject:

Provided, That nothing herein contained shall be so construed as to prohibit the insertion in periodicals of advertisements attached permanently to the same.

— penalty for false evidence concerning.

SEC. 13. That any person who shall submit, or cause to be submitted, for transportation in the mails any false evidence to the postmaster relative to the character of his publication, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall for every such offense be punished by a fine of not less than one hundred nor more than five hundred dollars.

— on what conditions publications admitted as. 16 Opin. Att'y-Gen., 303.

SEC. 14. That the conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers;

Provided, however, That nothing herein contained shall be so construed as to admit to the second class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

— foreign periodicals admitted as.

SEC. 15. That foreign newspapers and other periodicals of the same general character as those admitted to the second class in the United States may, under the direction of the Postmaster General, on application of the publishers thereof or their agents, be transmitted through the mails at the same rates as if published in the United States.

Publications not to be mailed in violation of copyright law.

Nothing in this act shall be so construed as to allow the transmission through the mails of any publication which violates any copyright granted by the United States.

Supplements to publications may be sent.

SEC. 16. That publishers of matter of the second class may without subjecting it to extra postage, fold within their regular issues a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplemented, but omitted from the regular issue for want of space, time, or greater convenience, which supplement must in every case be issued with the publication.

THIRD-CLASS MATTER.

Postage on. R. S., § 3878. 1876, July 12, ch. 179, § 15.

SEC. 17. That mail matter of the third class shall embrace books, transient newspapers, and periodicals, circulars, and other matter wholly in print (not included in section twelve), proof sheets, corrected proof sheets, and manscript copy accompanying the same, and postage shall be paid at the rate of one cent for each two ounces or fractional part thereof, and shall fully be prepaid by postage stamps affixed to said matter.

—in foreign mails free of duty, except certain books.

Printed matter other than books received in the mails from foreign countries under the provisions of postal treaties or conventions shall be free of customs duty, and books which are admitted to the international mails exchanged under the provisions of the Universal Postal Union Convention may, when subject to customs duty, be delivered to addresses in the United States under such regulations for the collection of duties as may be agreed upon by the Secretary of the Treasury and the Postmaster General

—circular defined.

SEC. 18. That the term "circular" is defined to be a printed letter, which, according to internal evidence, is being sent in identical terms to several persons. A circular shall not lose its character as such, when the date and the name of the addressed and of the sender shall be written therein, nor by the correction of mere typographical errors in writing.

Printed matter defined.

SEC. 19. That "printed matter" within the intendment of this act is defined to be the reproduction upon paper, by any process except that of handwriting, of any words, letters, characters, figures, or images, or of any combination thereof, not having the character of an actual and personal correspondence.

FOURTH-CLASS MATTER.

SEC. 20. That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class, which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag, or harm the person of any one engaged in the postal service, and is not above the weight provided by law, which is hereby declared to be not exceeding four pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or official matter emanating from any of the departments of the government or from the Smithsonian Institution, or which is not declared non mailable under the provision of section thirty eight hundred and ninety three of the Revised Statutes as amended by the act of July twelfth, eighteen hundred and seventy six, or matter appertaining to lotteries, gift concerts, or fraudulent schemes or devices.

Package above weight of four pounds not to be sent, except, &c. R. S., §§ 3879, 3893.

1876, July 12, ch. 186.

—rate of postage on fourth-class matter.

SEC. 21. That all matter of the fourth class shall be subject to examination and to a postage charge at the rate of one cent an ounce or fraction thereof, to be prepaid by stamps affixed.

Proceedings in case of non-mailable matter reaching office of delivery.

If any matter excluded from the mails by the preceding section of this act, except that declared non mailable by section thirty eight hundred and ninety three of the Revised Statutes as amended, shall, by inadvertence, reach the office of destination, the same shall be delivered in accordance with its address:

Provided, That the party addressed shall furnish the name and address of the sender to the postmaster at the office of delivery, who shall immediately report the facts to the Postmaster General.

If the person addressed refuse to give the required information, the postmaster shall hold the package subject to the order of the Postmaster General.

All matter declared non mailable by section thirty eight hundred and ninety three of the Revised Statutes as amended, which shall reach the office of delivery, shall be held by the postmaster at the said office subject to the order of the Postmaster General.

Obscene books in mail, &c., not to be delivered. R. S., § 3893. 1876, July 12, ch. 186.

SEC. 22. That mailable matter of the second class shall contain no writing, print, mark, or sign thereon or therein in addition to the original print, except as herein provided, to wit, the name and address of the person to whom the matter shall be sent, and index figures of subscription book, either written or printed, the printed title of the publication, the printed name and address of the publisher or sender of the same, and written or printed words or figures or both, indicating the date on which the subscription to such matter will end.

What may be written on second-class mail-matter. R. S., §§ 3886, 3887. 1876, July 12, ch. 179, § 15.

—on third class.

Upon matter of the third class, or upon the wrapper inclosing the same, the sender may write his own name or address thereon, with the word "from" above and preceding the same, and in either case may make simple marks intended to designate a word or passage of the text to which it is desired to call attention.

There may be placed upon the cover or blank leaves of any book or of any printed matter of the third class a simple manuscript dedication or inscription that does not partake of the nature of a personal correspondence.

—on fourth class.

Upon any package of matter of the fourth class the sender may write or print his own name and address, preceded by the word "from", and there may also be written or printed the number and names of the articles inclosed;

And the sender thereof may write or print upon or attach to any such articles by tag or label a mark, number, name, or letter for purpose of identification.

When other writing thereon or inclosed, letter postage to be charged.

SEC. 23. That matter of the second, third, or fourth class containing any writing or printing other than indicated in the preceding section, or made in the manner other than therein indicated, shall not be delivered except upon the payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed to such matter; and any person who shall conceal or inclose any matter of a higher class in that of a lower class, and deposit, or cause the same to be deposited, for conveyance by mail, at a less rate than would be charged for both such higher and lower class matter, shall, for every such offense, be liable to a penalty of ten dollars:

—and sender liable to penalty.

—publishers may inclose bills and receipts.

Provided, however That nothing herein contained shall be so construed as to prevent publishers of the second class and news agents from inclosing, in their publications, bills, receipts and orders for subscription thereto; but such bills, receipts, and orders shall be in such form as to convey no other information than the name, location, and subscription price of the publication or publications to which they refer.

Regulations for wrapping second-class matter.

SEC. 24. That the Postmaster General may prescribe, by regulation, the manner of wrapping and securing for the mails all packages of matter not charged with first class postage, so that the contents of such packages may be easily examined; and no package the contents of which cannot be easily examined shall pass in the mails, or be delivered at a less rate than for matter of the first class.

Publications free to subscribers in county of publication.

SEC. 25. That publications of the second class, one copy to each actual subscriber residing in the county where the same are printed, in whole or in part, and published, shall go free through the mails; but the same shall not be delivered at letter carrier offices, or distributed by carriers, unless postage is paid thereon at the rate prescribed in section thirteen of this act:

—when deposited in letter-carrier offices for delivery to pay postage, except, &c.

Provided, That the rate of postage on newspapers, excepting weeklies, and periodicals not exceeding two ounces in weight, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be uniform at one cent each;

Periodicals weighing more than two ounces shall be subject, when

delivered by such carriers, to a postage of two cents each, and these rates shall be prepaid by stamps affixed.

Post-paid letters to be delivered on payment of deficiency by special stamps. R. S., § 3898.

SEC. 26. That all mail-matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery;

But postmasters, before delivering the same, or any article of mail-matter upon which prepayment in full has not been made, shall affix, or cause to be affixed, and canceled, as ordinary stamps are canceled, one or more stamps equivalent in value to the amount of postage due on such article of mail-matter, which stamps shall be of such special design and denomination as the Postmaster-General may prescribe, and which shall in no case be sold by any postmaster nor received by him in prepayment of postage.

Commissions to postmasters on special stamps for unpaid postage. 1878, June 27, ch. 259, § 1, par. 3.

That in lieu of the commission now allowed to postmasters at offices of the fourth class upon the amount of unpaid letter-postage collected, such postmasters shall receive a commission upon the amount of such special stamps so canceled, the same as now allowed upon postage stamps, stamped envelopes postal cards, and newspaper and periodical stamps canceled as postages on matter actually mailed at their offices:

Regulations may be made for free-delivery offices.

Provided, The Postmaster General may, in his discretion, prescribe instead such regulation therefor at the offices where free delivery is established as, in his judgment, the good of the service may require.

Penalty for failing to account for postage, or to cancel stamps, &c., by officials.

SEC. 27. That any postmaster or other person engaged in the postal service who shall collect, and fail to account for, the postage due upon any article of mail-matter which he may deliver, without having previously affixed and canceled such special stamps, as hereinbefore provided, or who shall fail to affix such stamp, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of fifty dollars.

—for washing, selling, using, &c., canceled stamps, stamped envelopes, &c. R. S., §§ 3922–3925.

SEC. 28. That any person who shall use, or attempt to use, in payment of postage, any canceled postage-stamp or postage-stamps, whether the same have been before used or not, or who shall by any means remove, or attempt to remove, or assist in removing, marks from any postage-stamp or postage-stamps, with intent to use the same in payment of postage, or who knowingly shall have in his possession any postage-stamp or postage-stamps canceled, with intent to use the same, or from which such cancellation-marks have been removed, or who shall sell or offer to sell any such stamp or stamps or who shall use or attempt to use the same in payment of postage, or who shall remove the superscription from any stamped envelope or postal card that has once been used in the payment of postage, with intent to again use the same for a like purpose, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars for each offense, or by both such fine and imprisonment, in the discretion of the court.

Letters, &c., on official business may be sent free of postage by all officers of government and of Smithsonian Institution in official envelopes. 1877, March 3, ch. 103, §§ 5, 6. 16 Opin. Att'y-Gen., 455.

SEC. 29. The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes", approved March third, eighteen hundred and seventy-seven, for the transmission of official mail-matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail-matter transmitted between any of the officers of the United States, or between any such officer and either of the executive departments or officers of the government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse.

And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail-matter sent from the Smithsonian Institution:

—except by pension agents and some other officers.

Provided, That this act shall not extend or apply to pension-agents or other officers who receive a fixed allowance as compensation for their services, including expenses for postage.

SEC. 30. That section thirty-nine hundred and fifty-five of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

New sureties for mail contracts may be required. *Substitute for* R. S., § 3955.

"The Postmaster-General, whenever, he may deem it consistent with the public interest, may accept or require new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety".

SEC. 31. Any person performing the duties of postmaster, by authority of the President, at any post-office where there is a vacancy for any cause, shall receive for the term for which the duty is performed the same compensation to which he would have been entitled if regularly appointed and confirmed as such postmaster; and all services heretofore rendered in like cases shall be paid for under this provision.

Acting postmasters during vacancy of office to receive pay.

SEC. 32. That the Postmaster-General is hereby authorized to take the necessary steps to introduce and furnish for public use a letter-sheet envelope, on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed.

Letter-sheet envelopes.

And the Postmaster-General is also authorized to introduce and furnish for public use a double postal card, on which shall be placed two one-cent stamps, and said card to be so arranged for the address that it may be forwarded and returned, said cards to be sold for two cents apiece; and also to introduce and furnish for public use a double-letter envelope, on which stamps of the denominations now in use may be placed, and with the arrangement for the address similar to the double postal card;

Double postal cards and double-letter envelopes. R. S., §§ 3914, 3917.

Said letter-sheet and double postal card and double envelope to be issued under such regulations as the Postmaster-General may prescribe.

* * * * * * *

And provided, That no money shall be paid for royalty or patent on any of the articles named.

—but no royalty for patent thereon to be paid.

SEC. 33. That so much of this act as is embraced in sections four to thirty-one both inclusive, shall take effect from the first day of May, 1879, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. [*March* 3, 1879.]

When act takes effect; repeal.

CHAPTER 182.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

March 3, 1879.
20 Stat. L., 377.

SECTION

1. *Par.* 1. Members of Congress to have ten charts of Coast Survey each session.
Par. 2. Issue of coin certificates for bullion, except, &c., repealed.
Par. 3. Secretary of Treasury may lease unproductive public property.
Par. 4. Water power at Moline may be leased by Secretary of War.
Par. 5. Pikesville arsenal and grounds may be sold by Secretary of War or donated to Maryland.
Par. 6. Military prison to make supplies for Army.
Par. 7. Home for Disabled Soldiers; purchases, expenditures, and estimates for support of.
Par. 8. Disbursements for Capitol extension, &c., to be made by disbursing clerk of Interior Department.
Par. 9. Director of Geological Surveys; appointment and duties, &c.
Certain surveys discontinued.
Collections from surveys to be deposited in National Museum.
Par. 10. Publication of geological surveys and reports.
—distribution and sale of copies, &c.
Par. 11. Half of support of indigent insane in Government Hospital to be paid by District of Columbia.

SECTION

Par. 12. Archives, &c., relating to Indians, collected by Geographical and Geological Surveys, to be turned over to Smithsonian Institution.
Par. 13. Repeal of requirement that towns of Madison and Jackson, Tenn., shall furnish buildings for courts.
Par. 14. Clerks of courts and marshal for Indiana to perform duties at terms of court at Fort Wayne, and appoint deputies.
Par. 15. Allowances to contestants of seats in House of Representatives.
2. *Par.* 1. Bounty to colored soldiers; how paid.
—identity of claimant.
—attorney's fee.
—payment to claimants, &c.
—appropriation.
Disposition of colored bounty-fund now in Treasury.
3. *Par.* 1. In District of Columbia, inspector of buildings to have control of repairs, &c., of school buildings.
Par. 2. Permanent appropriation for sinking fund of the 3.65 bonds of District.
Par. 3. Deposit of revenues of District, and how drawn.
Provision requiring certain distribution of taxes collected repealed.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

Members of Congress to have ten charts of Coast Survey each session.
R. S., § 4691. 1878, June 20, ch. 359, § 1, Par. 5.

[*Par.* 1.] That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled to not more than ten charts published by the Coast Survey, for each regular session of Congress.

* * * * * * *

Issue of coin certificates for bullion, except, &c., repealed.
R. S., §§ 254, 3545.
1878, June 19, ch. 329, § 1, par. 9.

[*Par.* 2.] And so much of the act "making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June nineteenth, eighteen hundred and seventy-eight, as authorizes the Secretary of the Treasury to issue coin certificates in exchange for bullion deposited for coinage at mints and assay-offices other than those mentioned in section thirty-five hundred and forty-five of the Revised Statutes, be, and the same is hereby, repealed; said repeal to take effect at the end of the present fiscal year.

* * * * * * *

Secretary of Treasury may lease unproductive public property.
R. S., § 3749.

[*Par.* 3.] That authority be, and is hereby, given to the Secretary of the Treasury to lease, at his discretion for a period not exceeding five years, such unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, and such leases shall be reported annually to Congress.

* * * * * * *

Water power at Moline may be leased by Secretary of War.

[*Par.* 4.] That the Secretary of War is hereby authorized and empowered to lease the water power, at Moline, or such portion as may be agreed upon, to the Moline Water Power Company upon such terms and conditions, and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States.

Said lease to be made upon the condition that the said Moline Water Power Company shall go on and complete the development of the water power and maintain it at its own cost and expense

* * * * * * *

Pikesville arsenal and grounds may be sold by Secretary of War or donated to Maryland.

[*Par.* 5.] That the Secretary of War is hereby authorized and directed to dispose of the grounds, buildings, and appurtenances known as the Pikesville arsenal in the State of Maryland, by public sale to the highest bidder, turning into the Treasury the net proceeds after paying cost of advertisement sale, and so forth:

Provided, That if the State of Maryland shall, prior to the first of March, eighteen hundred and eighty, accept the same, it is hereby granted and donated to said State, to be used for such militia or other purposes as the necessities of the State may require; and the Secretary of War is hereby authorized and directed to transfer said property to the State of Maryland, to be held by it in trust for the use, benefit, and execution of the purposes of this grant.

* * * * * * *

Military prison to make supplies for Army.
R. S., § 1351.

[*Par.* 6.] Support and improvement of the Leavenworth military prison, Fort Leavenworth, Kansas: * * * *Provided*, That the Secretary of War shall cause to be fabricated at the said prison such supplies for the Army as can be economically and properly manufactured at the said prison.

* * * * * * *

Home for Disabled Volunteers; purchases to be made after advertisement; expenditures for new buildings; estimates for support of.
R. S., § 4831.
1875, March 3, ch. 129.

[*Par.* 7.] Support of National Home for Disabled Volunteer Soldiers: Current expenses, including repairs: * * * *Provided*, That all purchases of supplies exceeding the sum of one thousand dollars at any one time shall be made upon public tender after due advertisement, and that the expenditure for new buildings shall be expressly authorized in writing:

Provided, That the estimates hereafter submitted for the support of the National Home shall be made in detail, specifying the several items of expenditure, and separating the cost of food and other supplies in the

form usually adopted for the Army, and that this specification be made for each soldiers' home separately.

* * * * * * *

[*Par.* 8.] And hereafter the disbursing clerk of the Department of the Interior is hereby required to act as disbursing clerk of the architect of the Capitol, and to disburse all moneys appropriated for the United States Capitol extension and improvement of the grounds, and to receive an annual compensation of one thousand dollars, to be paid out of said appropriation.

Disbursements for Capitol extension, &c., to be made by disbursing clerk of Interior Department. R. S., § 1816.

* * * * * * *

[*Par.* 9.] For the salary of the Director of the Geological Survey, which office is hereby established, under the Interior Department, who shall be appointed by the President by and with the advice and consent of the Senate, six thousand dollars:

Director of Geological Surveys; appointment, duties, &c.

Provided, That this officer shall have the direction of the Geological Survey, and the classification of the public lands and examination of the Geological Structure, mineral resources and products of the national domain

And that the Director and members of the Geological Survey shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations;

And the Geological and Geographical Survey of the Territories, and the Geographical and Geological Survey of the Rocky Mountain Region, under the Department of the Interior, and the Geographical Surveys West of the One hundredth Meridian, under the War Department, are hereby discontinued, to take effect on the thirtieth day of June, eighteen hundred and seventy nine.

Certain surveys discontinued. R. S., § 2406.

And all collections of rocks, minerals, soils, fossils, and objects of natural history, Archaeology, and e hnology, made by the Coast and Interior Survey, the Geological Survey, or by any other parties for the Government of the United States, when no longer needed for investigations in progress shall be deposited in the National Museum.

Collections from surveys to be deposited in National Museum.

* * * * * * *

[*Par.* 10.] The publications of the Geological Survey shall consist of the annual report of operations, geological and economic maps illustrating the resources and classification of the lands, and reports upon general and economic geology and paleontology.

Publications of geological surveys.

The annual report of operations of the Geological Survey shall accompany the annual report of the Secretary of the Interior.

—of reports.

All special memoirs and reports of said survey shall be issued in uniform quarto series if deemed necessary by the Director, but otherwise in ordinary octavos.

Three thousand copies of each shall be published for scientific exchanges and for sale at the price of publication; and all literary and cartographic materials, received in exchange shall be the property of the United States and form a part of the library of the organization:

—copies to be printed, distributed, &c.

And the money resulting from the sale of such publications shall be covered into the Treasury of the United States, under the direction of the Secretary of the Interior;

Proceeds of sale.

* * * * * * *

[*Par.* 11.] Current expenses, Government Hospital for the Insane: * * * *Provided*, That one half of the expense of the indigent patients from the District of Columbia shall be reported to the Treasury Department, and charged against the appropriations to be paid toward the expenses of the District by the general government, without regard to the date of their admission.

Half of support of indigent insane in Government Hospital to be paid by District of Columbia. R. S., § 4844. 1877, March 3, ch. 105.

* * * * * * *

[*Par.* 12.] That all the archives, records and materials relating to the Indians of North America, collected by the Geographical and Geological Survey of the Rocky Mountain Region, shall be turned over to the

Archives, &c., relating to Indians collected by Geographical and Ge-

ological Surveys to be turned over to Smithsonian Institution.
R. S., §§ 5579–5594.

Smithsonian Institution, that the work may be completed and prepared for publication under its direction; *Provided* That it shall meet the approval of the Secretary of the Interior and of the Secretary of the Smithsonian Institution. * * * * *

Repeal of requirement that towns of Madison and Jackson, Tenn., shall furnish buildings for courts.
1878, June 20, ch. 359, § 1, Par. 17.

[*Par.* 13.] That so much of the act "making appropriations for sundry civil expenses of the government for the fiscal year, ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, as requires the authorities of the county of Madison or town of Jackson, Tennessee, to provide suitable buildings free of any expense to the United States, for holding the United States district and circuit courts, be, and the same is hereby, repealed.

Clerks of courts and marshal for Indiana to perform duties at terms of court at Fort Wayne, and appoint deputies.
Substitute for 1878, June 18, ch. 269, § 2.
1881, March 3, ch. 154.

[*Par.* 14.] That the second section of an act entitled "An Act to provide for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana" approved June eighteenth eighteen hundred and seventy eight, be and the same is, amended to read as follows;

"SEC. 2. That the clerk of the district court and the clerk of the circuit court for the district of Indiana, and the marshal and the district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts; and the clerks of said courts and the marshal shall appoint deputies, to reside and keep their offices at Fort Wayne, and who shall in the absence of their principals, do and perform all the duties appertaining to their said offices respectively" *

Allowances to contestants of seats in House of Representatives.
R. S., §§ 128, 130.

[*Par.* 15.] That hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding two thousand dollars for expenses in election contests;

And before any sum whatever shall be paid to a contestant or contestee for expenses of election contests, he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section one hundred and twenty eight Revised Statutes of the United States. * * *

Bounty to colored soldiers; how paid.

SEC. 2. [*Par.* 1.] That all sums due upon certificates issued, or which may be issued by the accounting officers of the Treasury in settlement of claims for pay, bounty, prize money, or other moneys due to colored soldiers, sailors or marines, or their legal representatives, shall be paid by the officers of the Pay Department of the Army, under the direction of the Paymaster General, who is already charged with the payment of like dues to white soldiers:

—identity of claimant.

Provided, first, That no such certificate shall be issued until it shall have been ascertained that the application is made by the original claimant, or, if he be dead, by his true living legal representative, nor until the identity of such claimant or representative as the case may be, shall have been duly established:

—attorney's fee.
1866, Res. 86, (14 Stat. L., 368).

Provided, That if an agent or attorney be employed, the allowance for his services shall not in any case exceed that contemplated in the scale of fees and allowances fixed by the second section of a joint resolution approved July twenty sixth, eighteen hundred and sixty six, entitled "Joint resolution amendatory of a joint resolution respecting bounties to colored soldiers, and the pensions, bounties, and allowances to their heirs", approved June fifteenth, eighteen hundred and sixty six, and such allowance shall be stated in a separate certificate in favor of the agent or attorney simultaneously with the issue of a certificate for the amount due the claimant:(1)

—payments to claimants, &c.

Provided further, That the amount due the claimant, or his living representative, or the balance due after deducting the attorney's fee, if any,

NOTE.—(1) The fees allowed by the resolution here referred to are "for the preparation and prosecution of claims for, and the collection and remittance of all sums not exceeding fifty dollars, five dollars; for all sums exceeding fifty and less than one hundred dollars, seven dollars and fifty cents; and for all sums exceeding one hundred dollars, the sum of ten dollars."

shall be paid only to the party named in the certificate, and in current funds or by post office money order, and not by checks or drafts;

An no power of attorney, transfer or assignment of the amount of such claims, or any part thereof, shall in any case be recognized;

Appropriations.

And the sum of four thousand dollars, or so much thereof as may be necessary, is appropriated for the fiscal year ending June thirtieth, eighteen hundred and seventy nine, and ten thousand dollars for the fiscal year ending June thirtieth, eighteen hundred and eighty, to meet the expenses incurred on account of payment of these claims, for salaries of agents and clerks, rent of offices, fuel and lights, stationery and printing, office furniture, mileage and transportation of officers and agents, telegraphing, postage and post office money orders; and the sum of fifty thousand dollars is hereby appropriated, under the title "Pay of two and three years' volunteers reappropriated", for the payment of such of the claims in question as may be covered by Treasury certificates issued after the passage of this act, and previous to July first, eighteen hundred and eighty:

Disposition of colored bounty fund now in Treasury.

16 Opin. Att'ys-Gen., 236.

And provided further, That the sum or sums now held by the Treasurer of the United States, turned over to him under the Attorney General's decision of December thirtieth, eighteen hundred and seventy eight, by the chief disbursing officer of the Freedmen's Branch of the Adjutant General's Office, as the balance in said officer's hands of moneys due and unpaid on account of adjusted claims of the class contemplated in the first clause of this section, shall be turned over to the paymaster who may be charged by the Paymaster General with the payment of such claims, to be by him paid to the proper claimants under the restrictions imposed in said section. * * * * *

DISTRICT OF COLUMBIA.

SEC. 3. * * * * * *

In District of Columbia, inspector of buildings to have control of repair, &c., of school buildings.

[*Par.* 1.] That the inspector of buildings of the District shall have authority and control over and supervision of the construction and repairs of all school buildings if the Commissioners deem best to delegate the same to him.

* * * * * * *

Permanent appropriation for sinking fund of the 3-65 bonds.

1874, June 20, ch. 337.

1875, Feb. 20, ch. 94.

1878, June 11, ch. 180, § 4.

[*Par.* 2.] And there is hereby appropriated, out of the proportional sum which the United States may contribute toward the expenses of the District of Columbia in pursuance of the Act of Congress, approved June eleventh, eighteen hundred and seventy-eight, for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, such sums as will, with the interest thereon at the rate of three and sixty-five hundredths per centum per annum, be sufficient to pay the principal of the three-sixty-five bonds of the District of Columbia, issued under the act of Congress approved June twentieth, eighteen hundred and seventy-four, at maturity;

Which said sums the Secretary of the Treasury shall annually invest in said bonds at not exceeding the par value thereof; and all bonds so redeemed shall cease to bear interest, and shall be cancelled and destroyed in the same manner that United States bonds are cancelled and destroyed.

* * * * * * *

Deposit of revenues of District, and how drawn.

1878, June 11, ch. 180, § 4.

1880, June 4, ch. 121, § 2.

[*Par.* 3.] All moneys appropriated under this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited, to the credit of the Treasurer of the United States, in the Treasury, as required by the provisions of section four of an act approved June eleventh, eighteen hundred and seventy eight, and shall be drawn therefrom upon requisition of the Commissioners of the District of Columbia, such requisitions specifying the appropriation upon which the same is drawn; and in no case shall such appropriations be exceeded, either in requisition or expenditure; and the accounts for all disbursements shall be made monthly to the accounting officers of the Treasury

by the Auditor of the District of Columbia, upon vouchers certified by the Commissioners of the District of Columbia as now required by law.

Provision requiring certain distribution of taxes collected repealed.
1877, ch. 117, § 2 (19 Stat. L., 396).

And section two of an act approved March third, eighteen hundred and seventy seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy eight, and for other purposes" be and the same is hereby, repealed. [*March* 3, 1879.]

CHAPTER 183.

March 3, 1879.
20 Stat. L., 410.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR PRIOR YEARS, AND FOR THOSE HERETOFORE TREATED AS PERMANENT, AND FOR OTHER PURPOSES.

PARAGRAPH
1. Arms and ammunition may be furnished to the departments to protect public property.
2. Clerks of district and circuit courts not to be appointed receivers or masters, except, &c.
3. Provision requiring District of Columbia to pay for support of boys at Reform School not repealed.
4. Payments for contingent fund of Senate; how made and vouched for.
5. Settlement of accounts of Pacific railways at Treasury Department.

Be it enacted, &c.

* * * * * * *

Arms and ammunition may be furnished to the departments to protect public property.

[*Par.* 1.] That upon the request of the head of any department, the Secretary of War be, and he hereby is, authorized and directed to issue arms and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department designated by the head of such department, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired.

Arms and ammunition heretofore furnished to any department by the War Department, for which the War Department has not been reimbursed, may be receipted for under the provisions of this act.

* * * * * * *

Clerks of district and circuit courts not to be appointed receivers or masters, except.
R. S., § 748.

[*Par.* 2.] No clerk of the district or circuit courts of the United States or their deputies shall be appointed a receiver or a master in any case except where the judge of said court shall determine that special reasons exist therefor to be assigned in the order of appointment.

* * * * * * *

Provision requiring District of Columbia to pay for support of boys at Reform School not repealed.
1876, May 3, ch. 90, § 13.
1878, ch. 359 (20 Stat. L., 208).

[*Par.* 3.] That so much of the act "making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June twentieth, eighteen hundred and seventy-eight, which makes an appropriation for the expenses of the Reform School of the District of Columbia, shall not be considered as modifying or repealing the thirteenth section of the act entitled "An act revising and amending the various acts establishing and relating to the Reform School of the District of Columbia", approved May third, eighteen hundred and seventy-six.

* * * * * * *

Payments from contingent fund of Senate; how made and vouched for.
R. S., §§ 56, 76, 3680.

[*Par.* 4.] That when any duty is imposed upon a committee of the Senate involving expenses which are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of the chairman of such committee for any sum paid to him or his order out of said contingent fund by the Secretary of the Senate shall be taken and passed by the accounting officers of the Treasury as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish vouchers in detail for the disbursement of such moneys to the Secretary of the Senate, who shall file them with the accounting officers

aforesaid; and this provision shall apply to all cases in which orders of the Senate have already been made.

* * * * * * *

Settlement of accounts of Pacific railways at Treasury Department. R. S., § 5260. 1878, May 7, ch. 96.

[*Par.* 5.] That for the proper adjustment of the accounts of the Union Pacific, Central Pacific, Kansas Pacific, Western Pacific, and Sioux City and Pacific Railroad Companies, respectively, for services which have been or may be hereafter performed for the government for transportation of the Army and transportation of the mails, the Secretary of the Treasury is hereby authorized to make such entries upon the books of the department as will carry to the credit of said companies the amounts so earned or to be earned by them during each fiscal year and withheld under the provisions of section fifty-two hundred and sixty of the Revised Statutes and of the act of Congress approved May seventh, eighteen hundred and seventy-eight:

Provided, That this shall not authorize the expenditure of any money from the Treasury nor change the method now provided by law for the auditing of such claims against the government;

Provided further, That this paragraph shall not be so construed as to be a disposition of any moneys due or to become due to or from said companies respectively, or to, in any way, affect their rights or duties or the rights of the United States, under existing laws, it being only intended hereby to enable the proper accounting officers to state on the books of the Treasury the accounts between the government and said companies respectively. * * * * [*March* 3, 1879.]

CHAPTER 186.

AN ACT TO PROMOTE THE EDUCATION OF THE BLIND.

March 3, 1879.

20 Stat. L., 467.

SECTION

Preamble.
1. Permanent fund to aid education of blind through American Printing House for the Blind.
2. —held in trust and invested by Secretary of Treasury.
3. —semi-annual interest to be paid to the trustees.
—method of expenditure.
3. Books to be sold at cost.
Income of fund may be withheld when not properly used.
Treasurer to give bond.
Persons who are *ex-officio* trustees.
4. Trustees to make annual reports, furnish vouchers, &c.
5. When act takes effect.

Education of the blind.

Preamble.

Whereas, the trustees, superintendents, and teachers of the various State and public institutions for the instruction of the blind, representing the interests of over thirty thousand blind persons in the United States, have united in a petition to Congress to take into consideration the needs of the blind of the United States; and

Whereas the Association of the American Instructors of the Blind, at their session in Philadelphia, in August, eighteen hundred and seventy-six, representing twenty-six State and public institutions for the instruction of the blind, have set forth in a series of resolutions that the especial needs of the blind are embossed books and tangible apparatus, and have recommended that if any aid should be given by Congress it would most efficiently come through increasing the means of the American Printing House for the Blind, located at Louisville, Kentucky; and

Whereas it appears that the Kentucky legislature, in eighteen hundred and fifty-eight, by an act of special legislation, declared James Guthrie, W. F. Bullock, Theodore S. Bell, Bryce M. Patten, John Milton, H. T. Curd, and A. O. Brannin, and their successors, a body corporate under the name and style of the Trustees of the American Printing House for the Blind, with the avowed purpose of printing books and making apparatus for the instruction of the blind of the United States, for general distribution, and for the sake of philanthropy, and with no desire for pecuniary gain; and

Whereas the States of Louisiana, Mississippi, Tennessee, Kentucky, New Jersey, and Delaware have made appropriations for the aid of said American Printing House for the Blind, of which, on account of the outbreak of

Education of the blind.

the civil war, only a small part of the money appropriated by the first three named States was ever available; and

Preamble.

Whereas by the money from the States of Kentucky, New Jersey, and Delaware, a printing-house for the blind was established, and is now supplied with presses, type, stereotype foundry, steam-engine, a well-equipped bindery, and all the appliances necessary for the manufacture of embossed books, and has for the last ten years been manufacturing embossed books superior in every way to any manufactured elsewhere, which have been distributed gratuitously to the blind in the States of Kentucky, New Jersey, and Delaware, by which the blind in those States have been very much benefited; and

Whereas it is desirable that the blind of the whole country should be equally benefited, and the intentions of the trustees to establish an educational institution of the most practical beneficence and wisest philanthropy upon a national basis, should be accomplished, inasmuch as the education of the blind is a subject of national importance: Therefore,

Be it enacted, &c.

Permanent fund created to aid education of the blind through American Printing House for the Blind.

[SECTION 1], That the sum of two hundred and fifty thousand dollars, out of money in the United States Treasury not otherwise appropriated, be, and hereby is, set apart as a perpetual fund for the purpose of aiding the education of the blind in the United States of America, through the American Printing House for the Blind.

—held in trust and invested by Secretary of Treasury.

SEC. 2. That the Secretary of the Treasury of the United States is hereby directed to hold said sum in trust for the purpose aforesaid; and it shall be his duty, upon the passage of this act, to invest said sum in United States interest-bearing bonds, bearing interest at four per centum, of the issue of July, eighteen hundred and seventy, and upon their maturity to reinvest their proceeds in other United States interest-bearing bonds, and so on forever.

—semi-annual interest to be paid to the trustees on condition.

SEC. 3. That the Secretary of the Treasury of the United States is hereby authorized to pay over, semi-annually, to the trustees of the American Printing House for the Blind, located in Louisville, Kentucky, and chartered in eighteen hundred and fifty-eight by the legislature of Kentucky, upon the requisition of their president, countersigned by their treasurer, the semi-annual interest upon the said bonds, upon the following conditions:

—methods of expenditure.

First. The income upon the bonds thus held in trust for the education of the blind shall be expended by the trustees of the American Printing House each year in manufacturing and furnishing embossed books for the blind and tangible apparatus for their instruction;

And the total amount of such books and apparatus so manufactured and furnished by this income shall each year be distributed among all the public institutions for the education of the blind in the States and Territories of the United States and the District of Columbia, upon the requisition of the superintendent of each, duly certified by its board of trustees.

The basis of such distribution shall be the total number of pupils in all the public institutions for the education of the blind, to be authenticated in such manner and as often as the trustees of the said American Printing House shall require;

And each institution shall receive, in books and apparatus, that portion of the total income of said bonds held by the Secretary of the Treasury of the United States in trust for the education of the blind, as is shown by the ratio between the number of pupils in that institution for the education of the blind and the total number of pupils in all the public institutions for the education of the blind, which ratio shall be computed upon the first Monday in January of each year.

—not to be expended for buildings.

Second. No part of the income from said bonds shall be expended in the erection or leasing of buildings.

Books, &c., to be sold at cost.

Third. No profit shall be put on any books or tangible apparatus for the instruction of the blind manufactured or furnished by the trustees

of said American Printing House for the Blind, located in Louisville, Kentucky; and the price put upon each article so manufactured or furnished shall only be its actual cost.

Income of fund may be withheld when not properly used.

Fourth. The Secretary of the Treasury of the United States shall have the authority to withhold the income arising from said bonds thus set apart for the education of the blind of the United States whenever he shall receive satisfactory proof that the trustees of said American Printing House for the Blind, located in Louisville, Kentucky, are not using the income from these bonds for the benefit of the blind in the public institutions for the education of the Blind in the United States.

Treasurer to give bond.

Fifth. Before any money be paid to the treasurer of the American Printing House for the Blind by the Secretary of the Treasury of the United States, the treasurer of the American Printing House for the Blind shall execute a bond, with two approved sureties, to the amount of twenty thousand dollars, conditioned that the interest so received shall be expended according to this law and all amendments thereto, which shall be held by the Secretary of the Treasury of the United States, and shall be renewed every two years.

Certain persons to be *ex officio* trustees.

Sixth. The superintendents of the various public institutions for the education of the blind in the United States shall each, ex officio, be a member of the board of trustees of the American Printing House for the Blind, located in the city of Louisville, Kentucky.

Trustees to make annual reports, furnish vouchers, &c.

SEC. 4. That the trustees of said American Printing House for the Blind shall annually make to the Secretary of the Treasury of the United States a report of the items of their expenditure of the income of said bonds during the year preceding their report, and shall annually furnish him with a voucher from each public institution for the education of the blind, showing that the amount of books and tangible apparatus due has been received.

When act takes effect.

SEC. 5. That this act shall take effect from and after its passage. [*March* 3, 1879.]

CHAPTER 187.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF THE ARREARS OF PENSIONS GRANTED BY ACT OF CONGRESS APPROVED JANUARY TWENTY-FIFTH, EIGHTEEN HUNDRED AND SEVENTY-NINE, AND FOR OTHER PURPOSES.

March 3, 1879.

20 Stat. L., 469.

SECTION
1. Pension agents' fees for services to January 25, 1879.
Rate of arrears of invalid pensions to be graded from time to time, &c.
Pensions on account of disabilities, &c., occurring after cessation of hostilities and before mustering out.
2. Commencement of pensions in consequence of death, injuries, &c., since March 4, 1861.
3. Repeal of R. S., § 4709.

Be it enacted, &c. [SECTION 1.]

* * * * * * *

Pension agents' fees previous to Jan. 25, 1879.
R. S., § 4781.
1874, June 20, ch. 335.
1878, June 14, ch. 188.

The pension agents shall receive for their services and expenses in paying the arrears upon pensions allowed previous to January twenty-fifth eighteen hundred and seventy-nine including postage on the vouchers and checks sent to the pensioner, thirty cents for each payment; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the same.

Rate of arrears of invalid pensions to be graded, &c.
R. S., §§ 4692-4791.
1879, Jan. 25, ch. 23.

That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the degree of the pensioners disability from time to time and the provisions of the pension laws in force over the period for which the arrears shall be computed.

Pensions on account of disabilities, &c., occurring after cessation

That section one of the act of January twenty-fifth, eighteen-hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or

of hostilities and before mustering out. R. S., §§ 4692–4791. 1879, Jan. 25, ch. 23. 16 Opin. Att'y-Gen., 639.

drafted for the service in the war of the rebellion, but died or incurred disability from a cause originating after the cessation of hostilities; and before being mustered out:

Provided, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

Commencement of pensions in consequence of death, injuries, &c., since March 4, 1861. R. S., § 4709.

SEC. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty one, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of party having prior title to such pension:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July eighteen hundred and eighty, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

Repeal of former provision. R. S., § 4709.

SEC. 3. Section forty-seven hundred and nine of the Revised Statutes is hereby repealed. [*March* 3, 1879.]

CHAPTER 189.

March 3, 1879.

20 Stat. L., 470.

AN ACT TO AUTHORIZE THE SECRETARY OF THE NAVY TO TRANSFER TO THE SECRETARY OF THE INTERIOR, FOR ENTRY AND SALE, ALL LANDS IN THE STATE OF FLORIDA NOT NEEDED FOR NAVAL PURPOSES.

SECTION
1. Secretary of Navy to examine reserved public lands in Florida.
2. — to certify to Secretary of Interior such as no longer required for naval purposes, and same to be subject to entry and sale.
SECTION
— provision for occupants who have made improvements.

Be it enacted, &c.

Secretary of Navy to examine reserved public lands in Florida

[SECTION 1], That the Secretary of the Navy be, and he is hereby, authorized to cause an examination to be made of the condition of all lands in the State of Florida which have been set apart or reserved for naval purposes, excepting the reservation upon which the navy-yard at Pensacola is located, and to ascertain whether or not such reserved lands are or will be of any value to the Government of the United States for naval purposes.

— to certify to Secretary of Interior such as no longer required for naval purposes, and same to be subject to entry and sale. R. S., §§ 2257–2379.

SEC. 2. That all of said lands which, in the judgment of the Secretary of the Navy, are no longer required for naval purposes shall, as soon as practicable, be certified by him to the Secretary of the Interior, and be subject to entry and sale in the same manner and under the same conditions as other public lands of the United States:

— provision for occupants who have made improvements.

Provided, That all persons who have, in good faith, made improvements on said reserved lands so certified at the time of the passage of this act, and who occupy the same, shall be entitled to purchase the part or parts so occupied and improved by them, not to exceed one hundred and sixty acres to any one person at one dollar and twenty-five cents per acre within such reasonable time as may be fixed by the Secretary of the Interior.

* * * * * * *

[*March* 3, 1879.]

CHAPTER 190.

AN ACT TO AMEND AN ACT TO PROVIDE FOR THE SALE OF A PORTION OF THE RESERVATION OF THE CONFEDERATED OTOE AND MISSOURIA AND THE SAC AND FOX OF THE MISSOURI TRIBES OF INDIANS IN THE STATES OF KANSAS AND NEBRASKA.

March 3, 1879.
20 Stat. L., 471.

Otoe and Missouria and Sac and Fox reservation in Kansas to be appraised and sold.
— may be sold on deferred payments.
— limitation on price.
— settlers may buy more.
— present occupants may be allowed further time to make payments.

Be it enacted, &c., That section three of the act of August fifteenth eighteen hundred and seventy-six, chapter three hundred and eight, en, titled "An act to provide for the sale of a portion of the reservation of the Confederated Otoe and Missouria and the Sac and Fox of the Missouri tribes of Indians", be, and the same hereby is, amended so as to read, as follows:

Otoe and Missouria and Sac and Fox reservation in Kansas to be appraised and sold.
Substitute for 1876, Aug. 15, ch. 308, § 3.

That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and is hereby, authorized to offer one hundred and twenty thousand acres from the western side of the same for sale, through the United States public land-office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres for cash, to actual settlers, or persons who shall make oath before the register or receiver of the land office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permanent settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser:

Provided, That if, in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians, expressed in open council, dispose of the same upon the following terms as to payments, that is to say, one third in cash, one third in one year, and one third in two years from date of sale, with interest at the rate of six per centum per annum:

— may be sold on deferred payments.

And provided further, That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre:

— limitation on price.

And provided further, That whenever a settler on any of the lands subject to sale under the act to which this is amendatory shall apply to purchase a tract containing a small excess over one hundred and sixty acres, owing to the legal subdivisions being made fractional by boundary-line of reservation, township or section-line his application shall not be rejected on account of such excess; but, if no other objection exist the purchase shall be allowed as in other cases.

— settlers may buy more than 160 acres in certain cases. 1876, August 15, ch. 308.

And provided further, That bona fide claimants at present occupying lands under the provisions of the act of which this is amendatory may in the discretion of the Secretary of the Interior be allowed additional time for making the deferred payments required by said act for the lands so claimed and occupied by them in good faith, not exceeding one year on each payment so required to be made. [*March* 3, 1879.]

— present occupants may be allowed further time to make payments.

CHAPTER 191.

AN ACT TO GRANT ADDITIONAL RIGHTS TO HOMESTEAD SETTLERS ON PUBLIC LANDS WITHIN RAILROAD LIMITS.

March 3, 1879.
20 Stat. L., 472.

Homestead entries on public lands within railway grants, &c., to extent of 160 acres to each settler.
— additional entry over 80 acres previously taken, &c.
— occupants must have cultivated land one year, &c.

Be it enacted, &c., That from and after the passage of this act, the even sections within the limits of any grant of public lands to any railroad company, or to any military road company, or to any State in aid of any railroad or military road, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler,

Homestead entries on public lands within railway grants, &c., to extent 160 acres to each settler.
R. S., §§ 2289–2317.

Additional entries over 80 acres previously taken, &c.

And any person who has, under existing laws, taken a homestead on any even section within the limits of any railroad or military road land-grant, and who, by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry;

Or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made.

—provisions as to such additional entry.

And any person so making additional entry of eighty acres, or new entry after the surrender and cancellation of his original entry, shall be permitted so to do without payment of fees and commissions; and the residence and cultivation of such person upon and of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law:

Occupant must have cultivated land one year, &c.

Provided, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. [*March* 3, 1879.]

CHAPTER 192.

March 3, 1879.

20 Stat. L., 472.

AN ACT TO PROVIDE ADDITIONAL REGULARIONS FOR HOMESTEAD AND PRE-EMPTION ENTRIES OF PUBLIC LANDS.

Notice of intention to make final proof for pre-emption and homestead entries to be filed.
— to be published, and what to contain.
— proof after thirty days.
— rules respecting.

Notice of intention to make final proof for preemption and homestead entries to be filed.
R. S., §§ 2262, 2291.
1877, March 3, ch. 122.

Be it enacted, &c., That before final proof shall be submitted by any person claiming to enter agricultural lands under the laws providing for pre-emption or homestead entries, such person shall file with the register of the proper land-office a notice of his or her intention to make such proof, stating therein the description of lands to be entered, and the names of the witnesses by whom the necessary facts will be established.

— to be published.

Upon the filing of such notice, the register shall publish a notice, that such application has been made once a week for the period of thirty days, in a newspaper to be by him designated as published nearest to such land, and he shall also post such notice in some conspicuous place in his office for the same period.

— what to contain.

Such notice shall contain the names of the witnesses as stated in the application.

— after thirty days proof may be made.

At the expiration of said period of thirty days, the claimant shall be entitled to make proof in the manner heretofore provided by law.

— rules respecting.

The Secretary of the Interior shall make all necessary rules for giving effect to the foregoing provisions. [*March* 3, 1879.]

CHAPTER 194.

March 3, 1879.

20 Stat. L., 473.

AN ACT PROVIDING FOR AN ADDITIONAL ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF DAKOTA.

SECTION
1. Dakota supreme court to have four judges.
2. Additional judge; how appointed.
3. Four judicial districts.
4. Fourth district; what to include.
5. The additional judge assigned to fourth district temporarily.
6. Jurisdiction of court in fourth district.

Be it enacted, &c.

Dakota supreme court to have four judges.
R. S., § 1864.

[SECTION 1], That hereafter the supreme court of the Territory of Dakota, shall consist of a chief justice and three associate justices, any three of whom shall constitute a quorum.

Supreme court of Dakota; additional judge; how appointed.
R. S., § 1864.

SEC. 2. It shall be the duty of the President to appoint an additional associate justice of said supreme court, in manner now provided by law, who shall hold his office for the term of four years and until his successor is appointed and qualified.

—four judicial districts in.
R. S., §§ 1865, 1873.

SEC. 3. The said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law; each judge, after assignment, shall reside in the district to which he is assigned.

Fourth district; what to include.

SEC. 4. Until changed by the legislative assembly of said Territory, the fourth district of said Territory shall consist of the following counties, to wit: Clay, Union, Lincoln, Minnehaha, Moody, Brookings, Duel, Grant, Codington, Lake, Wood, Hamlin, Clark, Greeley, Stone, Turner, and McCook, and the Sisseton and Wahpeton Indian reservation.

And the second district shall consist of the remainder of the Territory which now constitutes said second district, as defined by the statutes of said Territory.

The additional judge assigned to fourth district temporarily.

SEC. 5. Temporarily, and until otherwise provided by law, the additional associate justice to be appointed under this act is hereby assigned to said fourth district, and the times and places as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law.

Jurisdiction of court in fourth district.

SEC. 6. The district court of said fourth judicial district shall have no jurisdiction to try, hear, or determine any matter or cause wherein the United States is a party, and no United States grand or petit jury shall be summoned in said court;

But said fourth district is hereby attached to and made a part of the second judicial district for the purpose of hearing and determining all matters and causes arising within said fourth district in which the United States is a party. [*March* 3, 1879.]

CHAPTER 195.

AN ACT TO PROVIDE FOR TAKING THE TENTH AND SUBSEQUENT CENSUSES.

March 3, 1879.
20 Stat. L., 473.

SECTION

1. Census to be taken June, 1880.
2. Census Office in Interior Department.
3. Superintendent, chief clerk, employés, &c.
4. Supervisors.
5. Supervisors' duties.
6. Pay of supervisors.
7. Enumerators; qualification and oath.
8. —duties of.
Indians not taxed to be omitted.
9. Original schedules to be forwarded to supervisors.
10. Pay of enumerators.
—forms for accounts of time occupied, &c.
11. Subdivisions not to exceed 4,000 inhabitants.
—additional enumerators in certain cases.
—boundaries of, to be described.
12. Punishment for neglect.
13. —for receiving fee, reward, &c., for employment of enumerator or clerk.
14. Information by members of families and penalty for refusal, &c.
—by officers of corporations.
15. Penalties; how recovered.
16. Papers and documents which may be mailed free of postage.
—penalty for illegal use of privilege.
17. Schedules of Revised Statutes altered.
Railroad corporations; facts concerning, to be obtained.
Express companies.
Telegraph companies.
Life-insurance companies.
Fire and marine insurance companies.
Other information may be required.
18. Enumerators to collect facts.
—except as to mortality in certain cities having official registration.
—and except as to manufacturing and social statistics in certain cases, in which experts may be employed.
Experts; their employment, oath, duties, pay, &c.
Schedules of interrogatories to be prepared.
Oath and authority of experts and agents.
19. Enumeration to commence first Monday in June, 1880, &c.
—when to be completed.
20. Maximum cost limited.
21. Information may be obtained from other departments.
22. States taking census between national censuses, upon depositing copy, may have payment toward expenses.
23. Supervisors and enumerators may be removed and vacancy filled.
24. Subsequent censuses to be taken according to this act.

Be it enacted, &c.

Census to be taken June, 1880.
R. S., § 2175.
1880, April 20, ch. 57.
1881, March 3, ch. 132, § 4.
Const., art. 1, § 2.

[SECTION 1], That a census of the population, wealth, and industry of the United States shall be taken on or for the date, June first, eighteen hundred and eighty.

NOTE.—(1) This act seems to supersede and repeal all the provisions of the Revised Statutes on the subject in §§ 2175–2205, retaining, by § 17 of this act, the schedules set forth in R. S., § 2206. It is so understood by the Superintendent of the Census.

Census Office in Interior Department.

SEC. 2. That there shall be established in the Department of the Interior an office to be denominated the Census Office, the chief officer of which shall be called the Superintendent of the Census, whose duty it shall be, under the direction of the head of the department, to superintend and direct the taking of the Tenth Census of the United States, in accordance with the laws relating thereto, and to perform such other duties as may be required of him by law.

Superintendent, chief clerk, employés, &c.

SEC. 3. The Superintendent of Census shall be appointed by the President, by and with the advice and consent of the Senate; and he shall receive an annual salary of five thousand dollars;

And the Secretary of the Interior may appoint a chief clerk of the Census Office, six clerks of class four, ten clerks of class three, fifteen clerks of class two, with such number of clerks of class one, and of copyists and computers at salaries of not less than seven hundred dollars or more than one thousand dollars, as may be found necessary for the proper and prompt compilation and publication of the results of the enumeration of the census herein provided to be taken.

And upon such compilation and publication of said census, said office of Superintendent shall cease, and the period of service of said clerks shall end.

Supervisors.

SEC. 4. The Secretary of the Interior shall, on or before the first day of March, eighteen hundred and eighty, designate the number, whether one or more, of supervisors of census, to be appointed within each State or Territory, who shall be residents of the State or Territory.

The supervisors shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The total number of such supervisors shall not exceed one hundred and fifty.

Oath of office by Superintendent and supervisors.

The Superintendent and the supervisors shall, before entering upon the duties of their offices, repectively, take and subscribe the following oath or affirmation:

I, ——— ——— (Superintendent or supervisor, as the case may be), do solemnly swear or affirm that I will support the Constitution of the United States, and perform and discharge the duties of the office of (Superintendent or supervisor, as the case may be), according to law, honestly and correctly, to the best of my ability;

which oath shall be filed in the office of the Secretary of the Interior.

Supervisors' duties.

SEC. 5. Each supervisor of census shall be charged with the performance, within his own district, of the following duties:

—as to apportionment of districts.

To propose to the Superintendent of Census the apportionment of his district into subdivisions most convenient for the purpose of enumeration;

—to employ enumerators. 1880, April 20, ch. 57, § 5.

To designate to the Superintendent of Census suitable persons, and, with the consent of said Superintendent, to employ such persons as enumerators within his district, one for each subdivision, and resident therein, who shall be selected solely with reference to their fitness, and without reference to their political or party affiliations, according to the apportionment approved by the Superintendent of Census;

—to transmit forms, &c.

To transmit to enumerators the printed forms and schedules issued from the Census Office, in quantities suited to the requirements of each subdivision;

—to instruct enumerators.

To communicate to enumerators the necessary instructions and directions relating to their duties, and to the methods of conducting the census, and to advise with and counsel enumerators in person and by letter, as freely and fully as may be required to secure the purposes of this act; and under the direction of the Superintendent of Census, and to facilitate the taking of the census with as little delay as possible, he may cause to be distributed by the enumerators, prior to the taking of the enumeration, schedules to be filled up by householders and others;

—to provide for transmission of returns.

To provide for the early and safe transmission to his office of the returns of enumerators, embracing all the schedules filled by them in the course of enumeration, and for the due receipt and custody of such returns pending their transmission to the Census Office;

To examine and scrutinize the returns of enumerators, in order to ascertain whether the work has been performed in all respects in compliance with the provisions of law, and whether any town or village or integral portion of the district has been omitted from enumeration; Supervisors to examine, &c., returns.

To forward to the Superintendent of Census the completed returns of his district in such time and manner as shall be prescribed by the said Superintendent, and in the event of discrepancies or deficiencies appearing in the returns from his district, to use all diligence in causing the same to be corrected or supplied; —to forward completed returns.

To make up and forward to the Superintendent of Census the accounts required for ascertaining the amount of compensation due under the provisions of this act to each enumerator of his district. —to make up accounts, &c., of compensation.

SEC. 6. Each supervisor of census shall, upon the completion of his duties to the satisfaction of the Secretary of the Interior, receive the sum of five hundred dollars in full compensation for all services rendered and expenses incurred by him, except an allowance for clerk hire may be made, at the discretion of the Superintendent of Census. —pay of.

SEC. 7. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of census of the district to which he belongs a commission, under his hand, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed by him. Enumerator's qualification, &c.

He shall, moreover, take and subscribe the following oath or affirmation: —oath of. 1880, April 20, ch. 57, § 6.

"I, ——— ———, an enumerator for taking the ——— census of the United States, do solemnly swear (or affirm) that I will make a true and exact enumeration of all the inhabitants within the subdivision assigned to me, and will also faithfully collect all other statistics therein, as provided for in the act for taking the ——— census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof as required by said act, and will not disclose any information contained in the schedules, lists, or statements obtained by me to any person or persons, except to my superior officers.

(Signed) ——— ———."

Which said oath or affirmation may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths; and a copy thereof, duly authenticated, shall be forwarded to the supervisor of census before the date fixed herein for the commencement of the enumeration.

SEC. 8. It shall be the duty of each enumerator, after being qualified in the manner aforesaid, to visit personally each dwelling-house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of such family, or of the member thereof deemed most credible and worthy of trust, or of such individual living out of a family, to obtain each and every item of information and all the particulars required by this act, as of date June first, eighteen hundred and eighty. —duties of.

And in case no person shall be found at the usual place of abode of such family or individual living out of a family competent to answer the inquiries made in compliance with the requirements of this act, then it shall be lawful for the enumerator to obtain the required information, as nearly as may be practicable, from the family or families or person or persons living nearest to such place of abode:

Provided, That Indians not taxed shall be omitted from the enumeration; but the Superintendent of Census may employ special agents or other means to make an enumeration of all Indians not taxed, within the jurisdiction of the United States, with such information as to their condition as may be obtainable. Indians not taxed to be omitted, but may be otherwise enumerated.

SEC. 9. And it shall be further the duty of each enumerator to forward the original schedules, duly certified, to the supervisor of census of his district, as his returns under the provisions of this act. Original schedules to be forwarded to supervisors. 1880, April 20, ch. 57, § 6.

Pay of enumerators in certain subdivisions fixed. 1880, April 20, ch. 57, § 6.

SEC. 10. The compensation of enumerators shall be ascertained and fixed as follows: In subdivisions where the Superintendent of Census shall deem such an allowance sufficient, an allowance not exceeding two cents for each living inhabitant, two cents for each death reported, ten cents for each farm, and fifteen cents for each establishment of productive industry enumerated and returned, may be given in full compensation for all services; and no claim for mileage or traveling expenses shall be allowed in such subdivisions:

—subdivisions for, to be designated by Superintendent in advance.

Provided, That the subdivisions to which the above rate of compensation shall apply must be designated by the Superintendent of Census at least one month in advance of the enumeration; and no account of the time occupied in the enumeration shall be required for the purpose of ascertaining and determining the compensation of enumerators in such subdivisions.

—in other subdivisions, to be fixed by Superintendent in advance.

For all other subdivisions, rates of compensation shall be fixed in advance of the enumeration by the Superintendent of Census, with the approval of the Secretary of the Interior, according to the difficulty of enumeration, having reference to the nature of the region to be canvassed, and the density or sparseness of settlement, or other considerations pertinent thereto; but the compensation allowed to any enumerator in any district east of the one hundredth meridian shall not exceed an average of four dollars per day of ten hours actual field-work each; and the compensation allowed to any enumerator in any district west of the one hundredth meridian shall not exceed six dollars per working day of equal length.

—forms for accounts of time occupied, &c.

And the Superintendent of Census may prescribe a uniform method and suitable forms for keeping account of the time occupied in field-work, for the purpose of ascertaining the amounts due to enumerators, severally, under the provisions of this act.

Subdivisions not to exceed 4,000 inhabitants.

SEC. 11. The subdivision assigned to any enumerator shall not exceed four thousand inhabitants, according to the census of eighteen hundred and seventy:

—additional enumerators for, in certain cases.

Provided, That in the Territories and in the States admitted into the Union since eighteen hundred and seventy, the supervisors of census may appoint additional enumerators in cases where, in his judgment, the census cannot be properly taken in thirty days by reason of the increase of population or the physical features of the said district.

—boundaries of, to be described.

The boundaries of all subdivisions shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguished lines.

Punishment for neglect of duties, false swearing, making false returns, &c.

SEC. 12. That any supervisor or enumerator, who, having taken and subscribed the oath required by this act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this act, or shall, without the authority of the Superintendent, communicate to any person not authorized to receive the same, any statistics of property or business included in his return, shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit a sum not exceeding five hundred dollars;

Or, if he shall willfully and knowingly swear or affirm falsely, he shall be deemed guilty of perjury, and, on conviction thereof, shall be imprisoned not exceeding three years or by fine not exceeding eight hundred dollars; or, if he shall willfully and knowingly make false certificates or fictitious returns, he shall be deemed guilty of a misdemeanor, and, upon conviction of either of the last named offenses, he shall forfeit and pay a sum not exceeding five thousand dollars and be imprisoned not exceeding two years.

—for receiving fee, reward, &c., for employment of enumerator or clerk.

SEC. 13. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the employment of any person as enumerator or clerk, or shall in any way receive or secure to himself any part of the compensation provided in this act for the services of any enumerator or clerk, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than

five hundred dollars nor more than three thousand dollars, in the discretion of the court.

Information by members of families, and penalty for refusal, &c.

SEC. 14. That each and every person more than twenty years of age, belonging to any family residing in any enumeration district, and in case of the absence of the heads and other members of any such family, then any agent of such family, shall be, and each of them hereby is, required, if thereto requested by the superintendent, supervisor, or enumerator to render a true account to the best of his or her knowledge, of every person belonging to such family, in the various particulars required by law, and whoever shall willfully fail or refuse shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars.

—by officers of corporations.

And every president, treasurer, secretary, general agent, or managing director of every corporation from which answers to any of the schedules provided for by this act are herein required, who shall, if thereto requested by the superintendent, supervisor or enumerator, willfully neglect or refuse to give true and complete answers to any inquiries authorized by this act, such officer or agent shall forfeit and pay a sum not less than five hundred dollars, nor more than ten thousand dollars, to be recovered in an action of debt in any court of competent jurisdiction, in the name and to the use of the United States, and in addition thereto shall be guilty of a misdemeanor, and on conviction thereof shall be imprisoned for a term not exceeding one year.

Penalties; how recovered.

SEC. 15. That all fines and penalties imposed by this act may be enforced by indictment or appropriate action at law in any court of competent jurisdiction where such offenses shall have been committed or forfeitures incurred.

Papers and documents which may be mailed free of postage.
1880, April 20, ch. 195, § 1.

SEC. 16. That the Superintendent, his chief clerk, supervisors, and enumerators are hereby authorized to transmit through the post-office any paper or document relating to the census, by writing thereon "Official business—Census", and subscribing the same, with the addition to his name of his official title.

But this privilege shall extend to nothing but documents and papers relating to the census, which shall pass free.

—penalty for illegal use of privilege.

And any superintendent, supervisor, enumerator, or clerk who shall use or exercise this privilege for any purpose other than the legitimate discharge of the duties of his office shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit for each offense a sum not exceeding one hundred dollars.

Schedules of Revised Statutes altered.
R. S., § 2206.

SEC. 17. The schedules of inquiries at the tenth census shall be the same as those contained in section number twenty-two hundred and six of the Revised Statutes of the United States, of eighteen hundred and seventy-eight, with the following exceptions, to wit:

—number one; relative to persons.
1880, April 20, ch. 57, § 2.

Schedule number one shall contain inquiries as to the relation of each person enumerated to the head of the family, whether wife, son, daughter servant, boarder, or other;

As to the civil conditions of each person enumerated, whether married, widowed, or single;

As to the place of birth of the parents of each person enumerated;

As to all foreign born, whether alien or naturalized persons;

And as to the physical and mental health of each person enumerated whether active or disabled, maimed, crippled, bed-ridden, deaf, dumb, blind, insane, or idiotic, and whether employed or unemployed, and if unemployed during what portion of the year.

From the same schedule the inquiries as to the value of real and personal estate owned shall be stricken out.

—number two; relative to agriculture.

To schedule number two, the Superintendent of the Census may, with the approval of the Secretary of the Interior, add inquiries relating to the acreage of the several crops reported; and, with a like approval, may drop from the schedule such of the minor crops as it may be deemed expedient to omit from the enumeration.

Schedule of R. S. number three; relative to products of industry.

Schedule number three shall contain inquiries respecting the kind and amount of power employed in establishments of productive industry, and the kind and number of machines in use, together with the maximum capacity of such establishment, where the Superintendent of Census shall deem such inquiry appropriate;

And the said superintendent may, when he shall regard it expedient, prepare special blank forms for separate industries.

—number four; relative to towns, cities, and counties.

Schedule number four shall contain inquiries relating to the public indebtedness of cities, counties, incorporated villages, and towns, and school districts;

—ownership of debt, &c. 1880, April 20, ch. 57, § 2.

And of the ownership of the public debt of the United States, by whom owned and the respective amounts; and such additional inquiries respecting the same, as well as respecting the public paupers and criminals, as the Superintendent of Census shall deem necessary to secure full information respecting the numbers and condition of these classes.

—number five; relative to deaths.

Schedule number five shall contain inquiries as to the birthplace of the father and mother of each person reported as having died during the year, and as to the usual occupation of each such person.

Railroad corporations; facts concerning, to be obtained. 1880, April 20, ch. 57, § 3.

The Superintendent of Census shall require and obtain from every railroad corporation, or the lessee or receiver thereof, the following facts, to exhibit the condition of such corporation, and the condition, characteristics, and operations of the railroad or railroads owned or controlled by such corporation, or the lessee or receiver thereof, on the first of June of the year eighteen hundred and eighty, to wit:

The name of the corporation or company, with the corporate names of all leased lines; the number of miles projected or authorized by law or charter, with the several terminal points of the same; the number of miles completed, exhibiting separately the length of lines within each State; the number of miles operated during the last complete fiscal year preceding June first, eighteen hundred and eighty; the capital stock allowed by law or charter, and the amount paid up; the amount of funded and of unfunded debt, with period of funded debt, and rate of interest thereon, and the amount of all sinking funds provided for the redemption of such debts; the number of acres of land derived from public grants remaining unsold; the total cost of construction, of equipment, and of all permanent investments, including the cost of purchase of other lines of road and of telegraph lines; the amount and character of rolling stock; the number and class of employees; the receipts of such corporation or company for the last complete fiscal year preceding June first, eighteen hundred and eighty, exhibiting separately the earnings from through freight, from local freight, from passengers, from expresses, and from mails; the expenses of such corporation or company for said fiscal year, exhibiting separately the amount paid for salaries and wages, for fuel, for national, State, and municipal taxes, for interest on bonds and other debts, for dividends, for repairs, for damage to freight and personal injuries; also, the operations of said fiscal year, including mileage of freight, of passenger, and of construction and repair trains separately, the number of passengers carried, and the amount and class of freight transported each way; also, the number, character, and, so far as ascertained, the cause of all casualties by which life was lost, which occurred upon or within the trains, the tracks, or the buildings of said corporation or company during said fiscal year, and the extent of injury to life and limb resulting therefrom; also the terms of all agreements and contracts by which sleeping cars, palace and parlor cars, so called, express cars, and cars of transportation companies, not identical with the corporation or company making the return herein required, are run upon such road or roads, and the extent of such service, and the amount of all receipts therefrom during the said fiscal year.

Express companies; facts concerning, to be obtained.

The Superintendent of the Census shall require and obtain from the owners, proprietors, or managers of every incorporated express company the following facts to wit: Name of corporation or company; capital paid up; total capital stock, and to what extent the same has been watered,

and how often corners have been made on such watered stock; length of lines in miles; whether the business is conducted by rail, vessel, or otherwise; total amount paid to railroads or vessels for use of line or lines; number of officers, number of persons engaged in general administration; number of agents and messengers; total receipts, total expenditures, exhibiting separately amount paid for salaries, for repairs, and for general expenses.

Telegraph companies; facts concerning.

He shall also in like manner require and obtain, from the owners, proprietors, or managers of every telegraph company, the following facts to wit: Name of corporation or company; terminal points connected; capital and capital paid up; length of lines in miles; miles of wire; number of officers; number of persons engaged in general administration; number of persons engaged as telegraph-operators; the number of messages transmitted by officers of the United States; the number of messages transmitted for the press; the number of messages transmitted for private parties; total number of messages transmitted; total receipts from messages; total expenditures of the company, exhibiting separately the amount expended for salaries, for repairs, and for general expenses.

Life-insurance companies.

He shall also, in like manner, require and obtain, from the officers or managers of all life-insurance companies, the following facts, to wit: Name of company; amount of capital and paid up capital; the number of persons employed in the general administration; the number employed as agents; the total gross assets of the company, exhibiting separately realized assets, deferred and unpaid premiums, and premium notes and loans; total liabilities of the company, exhibiting separately losses adjusted and unadjusted, losses resisted, scrip and other dividends, dividends to policy-holders not applied, reinsurance fund; all other claims, including capital; receipts from cash premiums; receipts from all other sources; total cash expenditures, exhibiting separately amount paid for losses and claims, dividends to stock-holders, dividends to policy-holders, commissions, officers' salaries, medical examiners' fees, national, State and local taxation, and all other cash expenditures; amount and character of deposits in each State to secure policy-holders; premium-note expenditures; the number and amount of policies issued during the year; also exhibiting policies terminating during the year, the number and amount terminated by death, by expiration, by surrender, by lapse, by change; total number and amount of policies in force, and the amount of the premiums; the amount of losses in cash and notes and the percentage of the loss to the total amount of policies in force; percentage of assets to risks in force.

Fire and marine insurance companies.

He shall in like manner, require and obtain, from every fire and marine insurance company, the following facts, to wit: Name of company; amount of capital stock; the amount paid up; the number of persons employed in general administration; the number employed as agents; the gross assets of company; the total liabilities, exhibiting separately the amount of losses adjusted, losses unadjusted, losses resisted, reinsurance fund; all other liabilities, including capital; also, the total receipts, exhibiting separately fire premiums, marine and inland premiums, and receipts from all other sources, including interest, dividends, and rents; also the total expenditures, exhibiting separately the number and amount of fire losses, of marine and inland losses, dividends, commissions, officers' salaries, State, national, and municipal taxes, and all other expenses.

Other information may be required.

He may require such other information, as to the subjects of this section, as, in his judgment, may be necessary to secure such returns as will exhibit the transactions of said several companies.

Enumerator to collect facts.

SEC. 18. Each enumerator in his subdivision shall be charged with the collection of the facts and statistics required by each and all the several schedules, with the following exceptions, to wit:

—except as to mortality in certain cities having official registration.

In cities where an official registration of deaths is maintained, the Superintendent of Census may, in his discretion, withdraw the mortality schedule from the several enumerators within such cities, and may

obtain the statistics required by this act through official records, paying therefor such sum as may be found necessary, not exceeding the amount which is by this act authorized to be paid to enumerators for a similar service, namely, two cents for each death thus returned.

Experts may be employed to collect facts as to manufacturing and social statistics in certain cases.

Whenever he shall deem it expedient, the Superintendent of Census may withdraw the schedules for manufacturing and social statistics from the enumerators of the several subdivisions, and may charge the collection of these statistics upon experts and special agents, to be employed without respect to locality.

Experts; their employment, oath, duties, pay, &c.

And said Superintendent may employ experts and special agents to investigate in their economic relations the manufacturing, railroad, fishing, mining, and other industries of the country, and the statistics of telegraph, express, transportation, and insurance companies, as he may designate and require.

Schedules of interrogatories to be prepared.

And the Superintendent of Census shall, with the approval of the Secretary of the Interior, prepare schedules containing such interrogatories as shall, in his judgment, be best adapted to elicit this information, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end.

Oath and authority of experts and agents.

Such experts and special agents shall take the same oath as the enumerators of the several subdivisions, and shall have equal authority with such enumerators in respect to the subjects committed to them, and they shall receive compensation at rates to be fixed by the Superintendent of Census with the approval of the Secretary of the Interior: *Provided*, That the same shall in no case exceed six dollars per day and actual traveling expenses

Enumeration to commence first Monday in June, 1880, and to be prosecuted each week-day.
1880, April 20, ch. 57, § 4.

SEC. 19 The enumeration required by this act shall commence on the first Monday of June, and be taken as of that date, and each enumerator shall prosecute the canvass of his subdivision from that date forward on each week-day without intermission, except for sickness or other urgent cause; and any unnecessary cessation of his work shall be sufficient ground for his removal and the appointment of another person in his place; and any person so appointed shall take the oath required of enumerators, and shall receive compensation at the same rates.

— when to be completed.
1880, April 20, ch. 57, §§ 4, 6.

And it shall be the duty of each enumerator to complete the enumeration of his district, and to prepare the returns hereinbefore required to be made, and to forward the same to the supervisor of his district on or before the first day of July, eighteen hundred and eighty, and in any city having over ten thousand inhabitants under the census of eighteen hundred and seventy, the enumeration of population shall be taken within two weeks from the first Monday of June; and any delay beyond the dates above respectively, on the part of any enumerator, shall be sufficient cause for withholding the compensation to which he would be entitled by compliance with the provisions of this act, until proof satisfactory to the Superintendent of Census shall be furnished that such delay was by reason of causes beyond the control of such enumerator.

Maximum cost limited to three million dollars.
1880, April 20, ch. 57, § 7.

SEC 20. The sum of three millions of dollars is hereby fixed and limited as the maximum cost of the census herein provided for, exclusive of printing and engraving, and it shall not be lawful for the Secretary of the Interior or the Superintendent of Census to incur any expense or obligation whatever, in respect to said census, in excess of that sum. And the sum of two hundred and fifty thousand dollars for printing and other preliminary expenses is hereby appropriated out of any money in the Treasury not otherwise appropriated which sum shall form part of the three millions fixed as the cost of the census.

Information may be obtained from other departments.

SEC. 21. The Secretary of the Interior is hereby authorized whenever he may think proper, to call upon any other department or officer of the government for information pertinent to the enumeration herein required.

States taking census between national censuses

SEC. 22. That if any State or Territory, through its duly appointed officers or agents, shall, during the two months beginning on the first

Monday of June of the year which is the mean between the decennial censuses of the United States is by this act directed to be taken, take and complete a census in all respects according to the schedules and forms of enumeration in the census of the United States and shall deposit with the Secretary of the Interior, on or before the first of September following, a full and authentic copy of all schedules returned and reports made by the officers and agents charged with such enumeration, then the Secretary of the Treasury shall, upon receiving a certificate from the Secretary of the Interior, that such schedules and reports have been duly deposited, pay, on the requisition of the governor of such State or Territory, out of any funds in the Treasury not otherwise appropriated, a sum equal to fifty per centum of the amount which was paid to all supervisors and actual enumerators within such State or Territory at the United States census next preceding, increased by one half the percentage of gain in population in such State or Territory between the two United States censuses next preceding:

upon depositing copy thereof with Secretary of Interior may have payment toward expenses.

Provided: That the blank schedules used for the purposes of the enumeration herein provided for shall be similar, in all respects of form and size of heading and ruling, to those used in the census of the United States.

SEC. 23. The Superintendent of Census, with the consent of the President, may at any time, remove any supervisor of census, and fill any vacancy thereby caused or otherwise occurring;

Supervisors and enumerators may be removed and vacancies filled.

And the supervisor of census may, with the consent of the Superintendent of Census remove any enumerator in his district, and fill the vacancy thereby caused or otherwise occurring;

And in such cases but one compensation shall be allowed for the entire service, to be apportioned among the persons performing the same in the discretion of the Superintendent of Census.

SEC. 24. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed; and all censuses subsequent to the tenth census shall be taken in accordance with the provisions of this act unless Congress shall hereafter otherwise provide. [*March* 3, 1879.]

Subsequent censuses to be taken according to this act.

CHAPTER 198.

AN ACT FOR THE RELIEF OF CERTAIN PENSIONERS.

March 3, 1879.

20 Stat. L., 483.

Pension for loss of leg at hip joint.

Be it enacted, &c., That all pensioners now on the pension-rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip joint, shall receive a pension at the rate of thirty-seven dollars and fifty cents per month from the date of the approval of this act. [*March* 3, 1879.]

Pension for loss of leg at hip joint. R. S., § 4698. 1874, June 18, ch. 299.

CHAPTER 200.

AN ACT FOR THE RELIEF OF SOLDIERS AND SAILORS BECOMING TOTALLY BLIND IN THE SERVICE OF THE COUNTRY.

March 3, 1879.

20 Stat. L., 484.

Pension to soldiers and sailors who become totally blind.

Be it enacted, &c., That the act of June seventeenth, eighteen hundred and seventy eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country", be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States. [*March* 3, 1879.]

Pension to soldiers and sailors who become totally blind. R. S., §§ 4697, 4698. 1878, June 17, ch. 261.

CHAPTER 202.

March 3, 1879.
20 Stat. L., 484.

AN ACT TO PREVENT THE INTRODUCTION OF INFECTIOUS OR CONTAGIOUS DISEASES INTO THE UNITED STATES, AND TO ESTABLISH A NATIONAL BOARD OF HEALTH.

SECTION
1. National Board of Health established; members, compensation, &c.
— meetings, president of, rules, &c.
2. — duties of
3. Reports of, to Congress; Academy of Science requested to co-operate.

Be it enacted, &c.

National Board of Health established; members, compensation, &c.
R. S., §§ 4792-4796.
1879, June 2, ch. 11.
1879, July 1, ch. 61.

[SECTION 1], That there shall be established a National Board of Health to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation, during the time when actually engaged in the performance of their duties under this act, shall be ten dollars per diem each and reasonable expenses, and of one medical officer of the Army, one medical officer of the Navy, one medical officer of the Marine Hospital Service, and one officer from the Department of Justice, to be detailed by the Secretaries of the several Departments and the Attorney General, respectively, and the officers so detailed shall receive no compensation.

— meetings, president of, rules, &c.

Said board shall meet in Washington within thirty days after the passage of this act and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made such special examinations and investigations at any place or places within the United States, or at foreign ports, as they may deem best, to aid in the execution of this act and the promotion of its objects.

— duties of.
1879, June 2, ch. 11.
1879, June 14, Res. No. 6, p. 502.

SEC. 2. The duties of the National Board of Health shall be to obtain information upon all matters affecting the public health, to advise the several departments of the government, the executives of the several States, and the Commissioners of the District of Columbia, on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health.

Reports of, to Congress; Academy of Science requested to co-operate.

SEC. 3. That the Board of Health with the assistance of the Academy of Science, which is hereby requested and directed to cooperate with them for that purpose, shall report to Congress at its next session a full statement of its transactions, together with a plan for a national public health organization, which plan shall be prepared after consultation with the principal sanitary organizations and the sanitarians of the several States of the United States, special attention being given to the subject of quarantine, both maritime and inland, and especially as to regulations which should be established between State or local systems of quarantine and a national quarantine system. * * * [*March* 3, 1879.]

CHAPTER 287.

March 3, 1879.
20 Stat. L., 650.

AN ACT FOR THE ALLOWANCE OF CERTAIN CLAIMS REPORTED BY THE ACCOUNTING OFFICERS OF THE UNITED STATES TREASURY DEPARTMENT, AND FOR OTHER PURPOSES.

SECTION
2. Agents to investigate certain claims for stores furnished Army by loyal citizens during the rebellion may administer oaths.
3. Such claims not presented before January, 1880, to be forever barred.

Be it enacted, &c.

* * * * * * *

Agents to investigate certain claims for stores furnished Army by

SEC. 2. That the agents appointed under the provisions of sections two and three of the act approved July fourth, eighteen hundred and sixty four, entitled "An act to restrict the jurisdiction of the Court of

Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," and acts amendatory thereof, to investigate and report upon all claims filed under said act, are hereby authorized to administer oaths and affirmations and to take depositions of witnesses.

285. 1875, Feb.

loyal citizens during the rebellion may administer oaths.
R. S., §§ 300 A, 300 B.
1874, June 16, ch. 18, ch. 80. pars. 7, 8.

SEC. 3. That all claims not presented and filed under said act, and the acts amendatory thereof, prior to the first day of January, anno Domini eighteen hundred and eighty, shall be forever barred. [*March* 3, 1879.]

Such claims not presented before January, 1880, forever barred.
R. S., §§ 300 A, 300 B.
1864, ch. 240 (13 Stat. L., 381).
1874, June 16, ch. 285.
1875, Feb. 18, ch. 80, pars. 7, 8.

RESOLUTIONS.

NUMBER 1.

JOINT RESOLUTION FOR THE DISTRIBUTION OF THE REVISED STATUTES OF THE UNITED STATES TO THE POST OFFICE DEPARTMENT.

December 21, 1878.
20 Stat. L., 487.

Revised Statutes, second edition, to be distributed to Post-Office Department officers.

Be it resolved, &c., That out of the fifteen thousand copies of the new edition of the first volume of the Revised Statutes of the United States required by the fourth section of the "Act to provide for the preparation and publication of a new edition of the Revised Statutes of the United States," approved March second, eighteen hundred and seventy-seven, to be printed and bound, the Secretary of State shall furnish to the Post-Office Department, upon the requisition of the Postmaster-General not exceeding two hundred and fifty copies for the use of the officers and special agents of the department and for postmasters at offices of free delivery; no provision having been made for the Post Office Department in the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States," approved May twenty-second, eighteen hundred and seventy-eight. [*December* 21, 1878.]

Revised Statutes (2d edition) to be distributed to Post-Office Department officers.
1878, March 2, ch. 82.
Res. 1878, No. 2, p. 387.

NUMBER 15.

JOINT RESOLUTION RELEASING THE REVERSIONARY CLAIM AND INTEREST OF THE UNITED STATES IN AND TO CERTAIN LANDS IN THE STATE OF MICHIGAN.

March 3, 1879.
20 Stat. L., 490.

Reversionary interest in certain lands in Michigan released to State.

Be it resolved, &c., That the United States hereby releases to the State of Michigan any and all reversionary interest which may remain in the United States in such of the lands granted to, and acquired by the said State of Michigan by act of Congress of June third, eighteen hundred and fifty-six, and certified to the said State in accordance with the said act, as were granted to aid the construction of the road from Grand Haven to Flint, and thence to Port Haron.

This release shall not in any manner affect any legal or equitable rights in said lands, which have been acquired, but all such rights shall be and remain unimpaired. [*March* 3, 1879.]

Reversionary interest in certain lands in Michigan released to State.
1856, ch. 44 (11 Stat. L., 21).

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-SIXTH CONGRESS—FIRST (EXTRA) SESSION,

IN

THE YEAR 1879.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and STAT. L. to the Statutes at Large.]

CHAPTER 5.

AN ACT TO AMEND SECTION FOURTEEN HUNDRED AND SEVENTEEN, FOURTEEN HUNDRED AND EIGHTEEN, FOURTEEN HUNDRED AND NINETEEN, FOURTEEN HUNDRED AND TWENTY, AND SIXTEEN HUNDRED AND TWENTY-FOUR OF THE REVISED STATUTES OF THE UNITED STATES, RELATING TO THE NAVY.

May 12, 1879.
21 Stat. L., 3.

R. S., § 1417. Enlisted men of Navy not to exceed 8,250.
Apprentices, &c., to be preferred in appointment of warrant officers.
Promotion of seamen as warrant officers not affected.
R. S., § 1418. Enlistments of boys and others.
R. S., § 1419. Minors between ages of 15 and 18 years not to be enlisted without consent of parents or guardians.
R. S., § 1420. What persons are prohibited from enlisting.
R. S., § 1624. Art. 19. Penalty for enlisting prohibited persons.

Be it enacted, &c., That section fourteen hundred and seventeen of the Revised Statutes of the United States be amended so as to read as follows:

Enlisted men of Navy not to exceed 8,250.
Substitute for R. S., § 1417. 1876, June 30, ch. 159.

"SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, and coal-heavers, and including seven hundred and fifty apprentices and boys, hereby authorized to be enlisted annually, shall not exceed eight thousand two hundred and fifty:

Apprentices, &c., to be preferred in appointment of warrant-officers.

Provided, That in the appointment of warrant-officers in the naval service of the United States, preference shall be given to men who have been honorably discharged upon the expiration of an enlistment as an apprentice or boy, to serve during minority, and re-enlisted within three months after such discharge, to serve during a term of three or more years:

Promotion of seamen as warrant-officers not affected.
R. S., § 1407.

Provided further, That nothing in this act shall be held to abrogate the provisions of section fourteen hundred and seven of the Revised Statutes of the United States."

Enlistment of boys and others.
1881, Feb. 26, ch. 73, § 2.
2 Lowell, 270.
Substitute for R. S., § 1418.

That section fourteen hundred and eighteen be amended so as to read as follows:

"SEC. 1418. Boys between the ages of fifteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President."

Minors between ages of 15 and 18 years, when not to be enlisted.
1881, Feb. 26, ch. 73, § 2.
Substitute for R. S., § 1419.

That section fourteen hundred and nineteen be amended so as to read as follows:

"SEC. 1419. Minors between the ages of fifteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians."

What persons are prohibited from enlisting.
1 Mass., 71.
Crabbe, 265.

That section fourteen hundred and twenty be amended so as to read as follows:

"SEC. 1420. No minor under the age of fifteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States, shall be enlisted in the naval service."

Penalty for enlisting prohibited persons.
Substitute for R. S., § 1624, art. 19.

That article nineteen of section sixteen hundred and twenty-four be amended so as to read as follows;

"SEC. 1624. ARTICLE 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of fifteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of fifteen years, shall be punished as a court-martial may direct." [*May* 12, 1879.]

CHAPTER 7.

May 14, 1879.
21 Stat. L., 4.

AN ACT TO AUTHORIZE THE EMPLOYMENT OF THREE ADDITIONAL ASSISTANTS IN THE LIBRARY OF CONGRESS.

Three additional assistants to Librarian of Congress.

Three additional assistants to Librarian of Congress.
R. S., § 91.

Be it enacted, &c., That the Librarian of Congress be authorized to employ three additional assistants, at a yearly compensation of twelve hundred dollars each; and the sum necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*May* 14, 1879.]

CHAPTER 8.

May 17, 1879.
21 Stat. L., 4.

AN ACT TO AMEND SECTION FIFTY-FOUR HUNDRED AND FORTY OF THE REVISED STATUTES.

All parties to conspiracy to defraud United States liable to penalty if one does any act, &c.

All parties to conspiracy liable to penalty if one does any act.
Substitute for R. S., § 5440.

Be it enacted, &c., That section fifty-four hundred and forty of the Revised Statutes of the United States of America be amended so as to read as follows:

If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy all the parties to such conspiracy shall be liable to a penalty of not more than ten thousand dollars, or to imprisonment for not more than two years or to both fine and imprisonment in the discretion of the court. [*May* 17, 1879.]

1 Lowell, 266.
11 Blatch., 168.
16 Blatch., 15, 21.
2 Wood, 175, 197.
3 Wood, 47.
4 Dillon, 128, 145, 407. 5 Dill., 58. 3 Hughes, 553. 100 U. S., 33.

CHAPTER 11.

AN ACT TO PREVENT THE INTRODUCTION OF CONTAGIOUS OR INFECTIOUS DISEASES INTO THE UNITED STATES.

June 2, 1879.
21 Stat. L., 5.

SECTION
1. Vessels from foreign ports where infectious disease exists subject to certain regulations before entering United States.
— proceedings in case of violation.
2. — to obtain sanitary certificate of consul or medical officer, &c.
— to pay fee for certificate.
Medical officers of inspection, &c., detailed to service in foreign ports.
Penalty when vessels from such port, without certificate, enter United States.
3. National Board of Health to co-operate with State boards, &c., and in certain cases may make regulations to prevent introduction of disease, &c.
— to make regulations to be observed by vessels at foreign ports of departure, &c., where disease exists.
— penalties for violating such regulations; when to attach.
4. — to obtain information of sanitary condition of foreign ports and places, and of ports, &c., in United States, and to publish and distribute same.
— to procure information relating to climate, &c.
— to make reports to Congress.
5. — to issue to consular officers, &c., and otherwise publish its regulations.
Vessels not to enter ports to discharge cargo, &c., except on certificate that regulations have been complied with.
Master to produce certificate, &c.
6. Fees to be paid by vessels for services under this act, to be fixed by Secretary of Treasury.
7. Detail of officers from departments by President at request of Board of Health for temporary duty.
8. Appropriation.
Board to report operations and expenditures quarterly.
9. Consular officers, &c., not required to report to surgeon-general of marine hospitals, and that officer not required to make rules, &c.
10. Act not to be in force after June 1, 1883.

Be it enacted, &c.

Vessels from foreign ports where infectious disease exists subject to certain regulations before entering United States under penalty for violation.
R. S., §§ 4792–4796.
1878, April 29, ch. 66.

[SECTION 1], That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists, to enter any port in the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health and all rules and regulations made in pursuance of this act;

And any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding one thousand dollars, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States.

—proceedings in case of violation.

And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

—to obtain sanitary certificate of consul or medical officer, &c.

SEC. 2. All such vessels shall be required to obtain from the consul, vice consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true;

—to pay fee for certificate.

And for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

Medical officers of inspection, &c., may be detailed to serve in foreign ports.
1879, March 3, ch. 202.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned:

Provided, That the number of officers so detailed shall not exceed at any one time six:

Penalty and proceedings when vessels from such port, without certificate, enter United States.
1879, July 1, ch. 61, § 6.

Provided further, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of five hundred dollars, which shall be a lien on the same to be recovered by proceedings in the proper district court of the United States.

And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

National Board of Health to co-operate with State boards, &c., and in certain cases may make regulations to prevent introduction of disease, &c.
1879, March 3, ch. 202.
1879, July 1, ch. 61, § 6.

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another;

And at such ports and places within the United States as have no quarantine regulations under State authority where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another;

And at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them;

But if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

—to make regulations to be observed by vessels at foreign port of departure, &c., where disease exists.
1879, March 3, ch. 202.

The Board of Health shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, and when said rules and regulations have been approved by the President they shall be published and communicated to, and enforced by, the consular officers of the United States:

—penalties for violating such regulations; when to attach.

Provided, That none of the penalties herein imposed shall attach to any vessel or any owner or officer thereof, till the act and the rules and regulations made in pursuance thereof shall have been officially promulgated for at least ten days in the port from which said vessel sailed.

—to obtain information of sanitary condition of foreign ports and places, and of ports, &c., in United States, and to publish and distribute same.
1879, March 3, ch. 202.

SEC. 4. It shall be the duty of the National Board of Health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the National Board of Health shall make to said Board of Health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as said Board of Health may prescribe;

And the Board of Health shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States;

And shall prepare, publish, and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said board;

And shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health;

National Board of Health to procure information relating to climate, &c.

And shall make to the Secretary of the Treasury an annual report of its operations, for transmission to Congress, with such recommendations as it may deem important to the public interests;

—to make report to Congress.

And said report, if ordered to be printed by Congress, shall be done under the direction of the board.

SEC. 5. That the National Board of Health shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by it and approved by the President, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crews, before their departure for any port in the United States, and in the course of the voyage;

—to issue to consular officers, &c., and otherwise make public its regulations, &c.

And all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases;

And it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers and crew;

Vessels not to enter ports to discharge cargo, &c., except on certificate that regulations have been complied with.

And the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the certificate herein required to be obtained from the health officer at the port of entry.

Master to produce certificate, &c.

SEC. 6. That to pay the necessary expenses of placing vessels in proper sanitary condition, to be incurred under the provisions of this act, the Secretary of the Treasury be, and he hereby is, authorized and required to make the necessary rules and regulations fixing the amount of fees to be paid by vessels for such service, and the manner of collecting the same.

Fees to be paid by vessels for services under this act to be fixed by Secretary of Treasury.

SEC. 7. That the President is authorized, when requested by the National Board of Health, and when the same can be done without prejudice to the public service, to detail officers from the several departments of the government, for temporary duty, to act under the direction of said board, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

Detail of officers from departments by President at request of Board of Health for temporary duty under said board.

SEC. 8. That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Treasury on estimates to be made by the National Board of Health, and to be approved by him.

Appropriation. 1879, July 1, ch. 61, § 7.

Said National Board of Health shall as often as quarterly make a full statement of its operations and expenditures under this act to the Secretary of the Treasury, who shall report the same to Congress.

Board of Health to report operations and expenditures quarterly.

SEC. 9. That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States", approved April twenty-ninth, eighteen hundred and seventy-eight, as requires consular officers or other representatives of the United States at foreign ports to report the sanitary condition of and the departure of vessels from such ports to the Supervising Surgeon-General of the Marine Hospital Service; and so much of said act as requires the Surgeon-General of the Marine Hospital Service to frame rules and regulations, and

Consular officers not required to report to Surgeon-General Marine Hospital, who need not make rules.

Repealing part of 1878, April 29, ch. 66, § 2.

to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of consular sanitary reports, and all other acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Act not to be in force after June 1, 1883.

SEC. 10. This act shall not continue in force for a longer period than four years from the date of its approval. [*June 2*, 1879.]

CHAPTER 12.

June 9, 1879.
21 Stat. L., 7.

AN ACT TO PROVIDE FOR THE EXCHANGE OF SUBSIDIARY COINS FOR LAWFUL MONEY OF THE UNITED STATES UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE SUCH COINS A LEGAL TENDER IN ALL SUMS NOT EXCEEDING TEN DOLLARS, AND FOR OTHER PURPOSES.

SECTION
1. Silver coins of less than a dollar each may be exchanged for lawful money.
2. —may be obtained in exchange for lawful money.
3. —to be legal tender to amount of $10.
4. Repeal.

Be it enacted, &c.

Silver coins of less than a dollar each may be exchanged for lawful money.
R. S., § 3527.
1876, July 22, Res. No. 17, p. 254.

[SECTION 1], That the holder of any of the silver coins of the United States of smaller denominations than one dollar, may, on presentation of the same in sums of twenty dollars, or any multiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

—may be obtained in exchange for lawful money.
R. S., § 3527.
1876, July 22, Res. No. 17, p. 254.

SEC. 2. The Treasurer or any assistant treasurer of the United States who may receive any coins under the provisions of this act shall exchange the same in sums of twenty dollars, or any multiple thereof, for lawful money of the United States, on demand of any holder thereof.

—to be legal tender to amount of $10.
R. S., § 3586.

SEC. 3. That the present silver coins of the United States of smaller denominations than one dollar shall hereafter be a legal tender in all sums not exceeding ten dollars in full payment of all dues public and private.

Repeal.

SEC. 4. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed. [*June 9*, 1879.]

CHAPTER 16.

June 10, 1879.
21 Stat. L., 9.

AN ACT TO CONFER UPON THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA CERTAIN POWERS, DUTIES, AND LIMITATIONS CONTAINED IN CHAPTER EIGHT (WATER SERVICE) OF THE REVISED STATUTES OF THE UNITED STATES RELATING TO THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

SECTION
1. Water service in District of Columbia to be under Commissioners.
—taxes to be uniform.
—interest on, to be 10 per cent.

Be it enacted, &c.

Water service in District of Columbia to be under Commissioners, except, &c.
R. S. (D. C.), §§ 105-221.

[SECTION 1], That the Commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter eight of the Revised Statutes of the United States relating to the District of Columbia, excepting such powers and duties as belong to the Chief of Engineers:

—taxes for, to be uniform.

Provided, That water-main taxes and water rents shall be uniform in said District:

And provided further, That the rate of interest specified in section two hundred and two of said Revised Statutes shall be increased to ten per centum per annum from and after the passage of this act. Taxes in Dist. Col.; interest on, to be at 10 per cent. R. S. (D. C.), § 202.

SEC. 2. * * * * * * *

[*June* 10, 1879.]

CHAPTER 17.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO ISSUE TWENTY YEAR FIVE PER CENT BONDS OF THE DISTRICT OF COLUMBIA TO REDEEM CERTAIN FUNDED INDEBTEDNESS OF SAID DISTRICT.

June 10, 1879.
21 Stat. L., 9.

SECTION
1. Bonds of District of Columbia to be issued to redeem funded debt, &c.
— form, denomination, registration, &c.
— how to be sold.
2. Repeal.

Be it enacted, &c.

[SECTION 1], That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare, execute, and deposit with the Secretary of the Treasury of the United States bonds of the District of Columbia, bearing interest not exceeding five per centum per annum, and payable twenty years after date, to the amount of not more than one million two hundred thousand dollars, the proceeds to be used only for the redemption of funded indebtedness of said District or of the late municipal corporations of Washington and Georgetown which became due January first and March first, eighteen hundred and seventy-nine, or those now existing and payable at pleasure, for the redemption of which the sinking fund of said District may not provide. Bonds of District Columbia to be issued to redeem funded debt, &c.

Said five per centum bonds shall be in such form and denominations as the Secretary of the Treasury shall approve, and shall be numbered consecutively and registered in the office of the auditor of said District, and also in the office of the Register of the Treasury of the United States, in such manner as the Secretary of the Treasury may direct, and shall bear the seal of the District of Columbia: —form, denomination, and registration of.

Provided, That this act shall not be construed to make the government of the United States liable for either the principal or interest of said bonds, or any part thereof.

Said bonds shall be sold by the Secretary of the Treasury to the highest bidder upon public tender, but for not less than their par value, after being advertised for one week in two daily newspapers in the city of Washington and two in the city of New York. The bids shall be opened by the Secretary of the Treasury and the awards approved by him. The money realized from the sale of said bonds shall be paid out by the Secretary of the Treasury only for the purposes named in this act. —how to be sold, &c.

SEC. 2. That the provisions of all acts conflicting herewith, and the acts or parts of acts authorizing said Commissioners of the District of Columbia to issue bonds to redeem certain bonds of said District falling due January first and March first, eighteen hundred and seventy-nine, no bonds having been issued thereunder, are hereby repealed.(1) [*June* 10, 1879.] Repeal.

NOTE.—(1) The parts of act here referred to are in the act of 1878, ch. 350 (20 Stat. L., 208), as amended by act of 1878, ch. 11 (20 Stat. L., 259). They are not printed in this edition because nothing was done under them and they are repealed.

CHAPTER 18.

June 11, 1879.
21 Stat. L., 10.

AN ACT TO AMEND AN ACT APPROVED FEBRUARY TWENTY-FOURTH, EIGHTEEN HUNDRED AND SEVENTY-NINE ENTITLED "AN ACT TO CREATE THE NORTHERN JUDICIAL DISTRICT OF THE STATE OF TEXAS, AND TO CHANGE THE EASTERN AND WESTERN JUDICIAL DISTRICTS OF SAID STATE, AND TO FIX THE TIME AND PLACES OF HOLDING COURTS IN SAID DISTRICTS."

SECTION
1. Jackson County transferred from western to eastern judicial district of Texas, &c.
2. Processes returnable at San Antonio instead of Brownsville for certain counties.
3. Transfer of pending cases.
4. Districts in Texas to be part of fifth judicial circuit.

SECTION
Northern district; jurisdiction and terms of circuit courts in.
Eastern and western districts; jurisdiction and terms of circuit court in.

Be it enacted, &c.

Jackson County transferred from western to eastern judicial district of Texas.
R. S., § 548.
1879, Feb. 24, ch. 97, §§ 2, 3.

[SECTION 1], That so much of the act to which this is amendatory as provides that Jackson County shall be embraced in the western judicial district of Texas, be, and the same is hereby, repealed, and the said county of Jackson is hereby placed in the eastern judicial district of said State;

And all process issued against defendants residing therein shall be returned to Galveston;

And all civil causes of action which have accrued in said county, of which the courts of the United States have jurisdiction, shall be cognizable in the court at Galveston, but all offenses committed in said county against the laws of the United States before the passage of this act shall be cognizable in the court of the western district, as provided in said act of the twenty-fourth of February, eighteen hundred and seventy-nine.

Processes returnable at San Antonio instead of Brownsville for certain counties.
1879, Feb. 24, ch. 97, § 5.

SEC. 2. That so much of the act to which this is an amendment as makes all process against defendants residing in the counties of Aransas, Duval, Nueces, La Salle, Zapata, San Patricio, Refugio, Dimmit, Webb, Encinal, and Maverick returnable to Brownsville is hereby repealed, and such process is hereby made returnable to San Antonio;

And all causes of civil action which have accrued in said counties, or either of them, since the passage of the act to which this is an amendment, or which shall hereafter accrue, shall be cognizable in the court at San Antonio.

Transfer of pending cases.

SEC. 3. Civil actions or proceedings now pending against parties residing in either of said counties in the courts named in the first and second sections hereof, as provided in the act to which this is an amendment, may, on the application of either party, be transferred to the proper court of said district under this act; and in case of such transfer, all papers and files therein, with copies of all journal-entries, shall be transferred to the office of the clerk of such court; and the same shall proceed in all respects as though originally commenced in said court;

And civil actions or proceedings now pending in the circuit courts at Brownsville, Austin, Galveston or Tyler which under this act would be cognizable in some other district, may on the application of either party be transferred to the proper court of said district, and in case of such transfer all papers and files therein with copies of all journal-entries, shall be transferred to the office of the clerk of such court, and the same shall proceed in all respects as though originally commenced in said court.

Districts in Texas to be part of fifth judicial district.
R. S., § 604.
1879, Feb. 24, ch. 97.

SEC. 4. The several districts as established in the act to which this is an amendment are hereby declared to be a part of the fifth judicial circuit; and the courts of the said northern district shall have the same jurisdiction as is conferred by law upon the courts of the eastern and western districts of said State;

Northern district; jurisdiction and terms of circuit courts in.
R. S., § 658.
1879, Feb. 24, ch. 97, § 4.

And the circuit court for said northern district shall be held twice a year at Waco on the first Mondays in April and October, at Dallas on the first Mondays in June and December, and at Graham on the first Mondays in February and August,

And the circuit courts shall be held at Jefferson in the eastern district on the second Mondays in February and September,

And at San Antonio in the western district on the first Mondays in May and November.

Eastern and western districts; terms of circuit courts in.
R. S., § 658.
1879, Feb. 24, ch. 97, § 4.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed. [*June* 11, 1879.]

Repeal.

CHAPTER 19.

AN ACT TO EXTEND THE TIME FOR THE PAYMENT OF PRE-EMPTORS ON CERTAIN PUBLIC LANDS IN THE STATE OF MINNESOTA AND TERRITORY OF DAKOTA.

June 12, 1879.
21 Stat. L., 11.

Pre-emptors of certain public lands in Minnesota and Dakota to have till October, 1880, to make proof and payment.

Be it enacted, &c., That the time at which pre-emptors on the public lands in the State of Minnesota, including the lands within the Fort Ridgeley and Sioux Indian reservations, and the old Sioux Indian reservation in the county of Grant, Territory of Dakota, are now required to make final proof and payment, be, and the same is hereby, extended two years from October first, eighteen hundred and seventy-eight, in all cases when the pre-emptor shall make due proof before the register and receiver of the local land office in the district in which their lands are situated that their crops have been destroyed or seriously injured by grasshoppers within two years prior to October first, eighteen hundred and seventy-eight. [*June* 12, 1879.]

Pre-emptors of certain public lands in Minnesota and Dakota to have till October, 1880, to make proof and payment.
R. S., § 2267.
1874, June 3, ch. 206.
1874, June 18, ch. 308.

CHAPTER 20.

AN ACT TO EXTEND THE TIME OF SPECIAL POSTAL SERVICE UNTIL SERVICE CAN BE OBTAINED BY ADVERTISEMENT.

June 12, 1879.
21 Stat. L., 11.

Special postal service may be extended.

Postmaster-General may make temporary contracts for carrying mail without advertisement in certain cases.

Be it enacted, &c., That in cases where special service has already been placed on new routes, the Postmaster-General may, in his discretion, extend such service until the time when service can be obtained by advertisement, not exceeding in any case one year.

Special postal service may be extended.

And whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law. And any provision of statute in conflict with this provision is hereby repealed. [*June* 12, 1879.]

Postmaster-General may make temporary contracts for carrying mail without advertisement in certain cases.
R. S., § 3941.
1876, Aug. 11, ch. 260.
1878, May 17, ch. 107, § 1.

CHAPTER 23.

AN ACT RELATING TO VINEGAR FACTORIES ESTABLISHED AND OPERATED PRIOR TO MARCH FIRST, EIGHTEEN HUNDRED AND SEVENTY-NINE.

June 14, 1879.
21 Stat. L., 20.

Vinegar factories established before March, 1879, within 600 feet of distillery, &c., may be operated under regulations of Commissioner.

Be it enacted, &c., That any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March

Vinegar factories established before March, 1879, with-

in 600 feet of distillery, &c., may be operated under regulations of Commissioner.
R. S., § 3282.
1879, March 1, ch. 125, § 5.

first, eighteen hundred and seventy-nine, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying-house under such regulations as the Commissioner of Internal Revenue may prescribe with the approval of the Secretary of the Treasury. [*June* 14, 1879.]

CHAPTER 33.

June 21, 1879.
21 Stat. L., 23.

AN ACT TO RELIEVE THE CHURCHES OF THE DISTRICT OF COLUMBIA, AND TO CLEAR THE TITLE OF THE TRUSTEES OF SUCH PROPERTY.

SECTION
1. Church property in District of Columbia relieved from taxation.
SECTION
2. — taxes collected on, to be refunded.

Be it enacted, &c.

Church property in District Columbia relieved from taxation and from sale of same for taxes heretofore.
1874, June 20, ch. 337, § 2.

[SECTION 1], That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes", approved June twentieth, eighteen hundred and seventy-four, as was construed to authorize the Commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine worship, and to enforce a tax upon such property, be, and is hereby, repealed; and the title to such property is hereby declared to vest in the trustees, or such other persons as held the title to the same at the time of the passage of the act of eighteen hundred and seventy-four, or their successors in interest, notwithstanding the sale of such property for non-payment of taxes.

— taxes collected on, to be refunded.

SEC. 2. That the Commissioners of the District of Columbia be, and they hereby are, authorized and required to refund to the trustees or other proper officers of such church or churches as have paid the taxes assessed against them under the act of June twentieth, eighteen hundred and seventy-four, such sums respectively as were paid by each upon property actually held and used for the purpose of divine worship. [*June* 21, 1879.]

CHAPTER 34.

June 21, 1879.
21 Stat. L., 23.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

SECTION
2. *Par.* 1. Salary of distillery storekeepers limited.
Par. 2. Investigating agents for Southern Claims Commission.
— to give notice, &c.; rules.
Commission abolished.
SECTION
3. Biennial examination of pensioners abolished.
Special examinations continued, &c., but pensioners to have notice before reduction.
Notes held as fund for redemption of fractional currency to be issued, &c.

Be it enacted, &c.

* * * * * * *

SECTION 2. * * *

INTERNAL REVENUE.

* * * * * * *

Salary of distillery storekeepers limited.
R. S., § 3153.
1876, Aug. 15, ch. 287, par. 6.

[*Par.* 1.] That hereafter storekeepers at distilleries that mash less than sixty bushels of grain per day shall be allowed not exceeding fifty dollars per month. But when one person acts as storekeeper and gauger, his salary shall not exceed four dollars per day for the time actually employed.

* * * * * * *

SOUTHERN CLAIMS COMMISSION.

* * * * * * *

Investigating agents for Southern Claims Commission.

[*Par.* 2.] For compensation of three investigating agents, at five dollars per day when actually employed; also traveling expenses of agents,

fees and mileage to government witnesses, costs of summoning government witnesses, fees to commissioners for taking testimony, fees for abstracts and exemplifications of public records relating to claims and claimants, six thousand dollars:

Agent of southern claims commission to give notice to claimants of taking testimony. Rules to be prescribed.

Provided, That said agents shall give notice to claimants whose claims it is proposed to investigate of the time and place of taking testimony, who shall have the right to cross examine every witness who may testify in behalf of the government; and said agents shall also take at the same time the testimony of any and all witnesses who may be presented by the claimant, on his paying the expenses thereof;

And all such testimony, both on behalf of the claimant and the government, shall be taken under the law and rules which usually govern the taking of testimony;

And the judges of the Southern Claims Commission shall prescribe and publish rules for the taking of the testimony, and shall provide in all cases for full and fair notice to be given of the time and place thereof;

Commission abolished, R. S., § 3689, p. 724. 1878, ch. 329, § 2, par. 15. *Repealing* 1871, March 3, ch. 116, §§ 2-6.

And sections two, three, four, five, and six of the act of March third, eighteen hundred and seventy-one, authorizing the Southern Claims Commission, are hereby repealed, to take effect on and after the tenth day of March, eighteen hundred and eighty.

* * * * * * *

Biennial examination of pensioners abolished. *Repealing* R. S., §§ 4771-4773.

SEC. 3. That sections forty-seven hundred and seventy-one, forty-seven hundred and seventy-two, and forty-seven hundred and seventy-three of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed:

Special examinations continued, &c., but pensioners to have notice before reduction of pensions. R. S., §§ 4775, 4776.

Provided, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

Notes held as fund for redemption of fractional currency to be issued, &c. 1876, July 22, Res. No. 17, § 1, p. 254.

In order to provide for the speedy payment of arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue immediately in payment thereof, as they may be adjusted, the legal-tender currency, now in the United States Treasury, held as a special fund for the redemption of fractional currency under section one of joint resolution number seventeen of the Congress of the United States, approved July twenty-second, eighteen hundred and seventy-six;

And fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated.

* * * * * * *

[*June* 21, 1879.]

CHAPTER 35.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

June 23, 1879.

21 Stat. L., 30.

SECTION

1. *Par.* 1. Army to consist of not more than 25,000 enlisted men.
Par. 2. Commutation for officers' quarters to be $12 a room per month, and no allowance for servants' quarters.
Par. 3. Telegrams may be transmitted by certain railroad companies having lines, &c.
Par. 4. Stores sold to officers and men of Army to be charged at 10 per cent. above cost.
2. Army Regulations to be codified and published.
3. Examiner of State claims in War Department; salary.
4. In Military Academy one professor of modern languages in place of professors of French and Spanish.
— professors who serve as such ten years to have pay of colonels.
5. — graduates of 1879 and 1880 may take $750 each and become ineligible to appointment for two years.
6. Money not to be used to keep any of Army as police force at elections.
7. Army officer to be detailed for duty relating to Indian education.
8. Military headquarters; where may be established.

Be it enacted, &c.

[SECTION 1.] * * *

Army to consist of not more than 25,000 enlisted men.
R. S., § 1115.

[*Par.* 1.] And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards; and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law.

Signal Service force.
R. S., § 1196.
1876, July 24, ch. 226, par. 1.
1878, June 18, ch. 263.
1878, June 20, ch. 359, par. 8.

Nothing however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding four hundred and fifty, after present terms of enlistment have expired.

* * * * * * *

Commutation for officers' quarters. No allowance for servants' quarters.
R. S., § 1270.
1878, June 18, ch. 263, § 9. 1881, Feb. 24, ch. 79, § 1, par. 1.

[*Par.* 2.] *Provided*, That no allowance shall be made for claims for quarters for servants heretofore or hereafter; and that the rate of commutation shall hereafter be twelve dollars per room per month for officers' quarters, in lieu of ten dollars, as now provided by law.

* * * * * * *

Telegrams may be transmitted by certain railroad companies having lines, &c.
R. S., §§ 5256–5262, 5263–5269.

[*Par.* 3.] For cost of telegrams; and telegrams are authorized to be transmitted by railroad companies which may have telegraph lines, and which shall file their written acceptance of the restrictions and obligations imposed on telegraph companies by title sixty-five of the Revised Statutes, for the government and for the general public, at rates to be fixed by the government, according to the provisions of title sixty-five of the Revised Statutes;

* * * * * * *

Stores sold to officers and men of Army to be charged at ten per cent. above cost.
R. S., §§ 1144, 1145.
1880, May 4, ch. 81. 1881, Feb. 24, ch. 79, § 1, par. 2.

[*Par.* 4.] *Provided*, That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section one thousand one hundred and forty-nine of the Revised Statutes, ten per centum shall be added to cover wastage, transportation, and other incidental charges.

Army Regulations to be codified and published.
1875, March 1, ch. 115.
1876, Aug. 15, Res. No. 21, p. 255. 13 Ct. Cls., 6.

SEC. 2. That the Secretary of War is authorized and directed to cause all the regulations of the Army and general orders now in force to be codified and published to the Army, and to defray the expenses thereof out of the contingent fund of the Army.

Examiner of State claims in War Department; salary.
R. S., § 215.
16 Opin. Att'y-Gen., 378.

SEC. 3. And the examiner of State claims in the office of the Secretary of War shall have, while on such duty, the pay, emoluments, and allowances of mounted officers one grade higher than that held by him in his regiment or corps.

In Military Academy one professor of modern languages established in place of professor of French and Spanish.
R. S., § 1309.

SEC. 4. That when a vacancy occurs in the office of professor of the French language or in the office of professor of the Spanish language in the Military Academy, both these offices shall cease, and the remaining one of the two professors shall be professor of modern languages; and thereafter there shall be in the Military Academy one, and only one, professor of modern languages;

—professors who serve as such ten years to have pay of colonels.
R. S., § 1336.

And that section thirteen hundred and thirty-six of the Revised Statutes be, and is hereby, amended by inserting, after the word "service" in the first line, the words "as professor".

—graduates of 1879 and 1880 may take $750 each and become ineligible to appointment for two years.

SEC. 5. That each member of the graduating classes of the Military Academy, of eighteen hundred and seventy-nine, and eighteen hundred and eighty, after graduation, may elect, with the assent of the Secretary of War, to receive the gross sum of seven hundred and fifty dollars and mileage to his place of residence;

And the acceptance of this gross sum shall render him ineligible to appointment in the Army, except in the event of war, until two years after his graduation; and the amount required to defray the expenditure herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Money not to be used to keep any of Army as police force at elections.

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

Army officer to be detailed for duty relating to Indian education. R. S., § 2071.

SEC. 7. That the Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty with reference to Indian education.

Military headquarters; where may be established. *Repealing* 1878, June 18, ch. 263, § 6.

SEC. 8. That section six of the act approved June eighteenth, eighteen hundred and seventy-eight, making appropriations for the support of the Army, be, and is hereby, repealed:

Provided, That when the economy of the service requires, the Secretary of War shall direct the establishment of military headquarters at points where suitable buildings are owned by the government. [*June* 23, 1879.]

CHAPTER 38.

AN ACT AUTHORIZING THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO EXTEND THE AREA FOR THE TAKING UP AND IMPOUNDING OF DOMESTIC ANIMALS IN THE DISTRICT OF COLUMBIA.

June 27, 1879.
21 Stat. L., 35.

Impounding animals in District of Columbia; Commissioners may make rules for.

Impounding animals in District of Columbia; Commissioners may make rules for.

Be it enacted, &c., That the Commissioners of the District of Columbia be, and are hereby, authorized to prescribe rules for taking up and impounding of domestic animals found running at large in the District of Columbia. [*June* 27, 1879.]

CHAPTER 40.

AN ACT CONCERNING THE LEGISLATIVE ASSEMBLIES OF THE SEVERAL TERRITORIES OF THE UNITED STATES

June 27, 1879.
21 Stat. L., 35.

Act relating to Territorial legislatures not to impair tenure of existing officers.

Act relating to Territorial legislatures not to impair tenure of existing officers. 1878, June 19, ch. 329, § 1, par. 10.

Be it enacted, &c., That the provisions of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes", approved June nineteenth, eighteen hundred and seventy-eight, pertaining to government in the several Territories of the United States, shall not be so construed as to impair or shorten the tenure of office of any member of such legislative assemblies until the redistricting and reapportionment of such Territories as is therein provided, nor until at the next regular election thereafter the twelve members of the council and twenty-four members of the house of representatives of such Territories shall have been elected and their term of office begun. [*June* 27, 1879.]

CHAPTER 43.

June 28, 1879.
21 Stat. L., 37.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A "MISSISSIPPI RIVER COMMISSION" FOR THE IMPROVEMENT OF SAID RIVER FROM THE HEAD OF THE PASSES NEAR ITS MOUTH TO ITS HEADWATERS.

SECTION
1. Mississippi River Commission.
2. —members of; how appointed.
3. —to direct and complete surveys of river, &c.
—may have detail of Army engineers, &c.
—and officers and men from Coast and Geodetic Survey.
—may employ additional force, &c.
4. —additional duties of.
—to make report.
5. —to prepare plans, &c.
6. —secretary of, to be detailed from Engineer Corps of Army.
7. Appropriation to be expended by Secretary of War.

Be it enacted, &c.

Mississippi River Commission.

[SECTION 1], That a commission is hereby created, to be called "The Mississippi River Commission", to consist of seven members.

—members of; how appointed.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers.

And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission.

The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of three thousand dollars per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

—to direct and complete surveys of Mississippi River, &c.

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river, between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

—may have detail of Army engineers, &c.
16 Opin. Att'y-Gen., 559.

And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

—and officers and men from Coast and Geodetic Survey.

And the Secretary of the Treasury shall, when requested by said commission in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

—may employ additional force, &c.

And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

—additional duties of.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost

thereof, for the purposes aforesaid, to be by him transmitted to Congress:

Provided, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary. Mississippi River Commission; to make report.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare, and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress. —to prepare plans, specifications, &c.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission. —secretary of, to be detailed from Engineer Corps of Army.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated. [*June* 28, 1879.] Appropriation to be expended by Secretary of War.

CHAPTER 49.

AN ACT CHANGING THE TIME OF HOLDING THE NOVEMBER TERM OF THE UNITED STATES DISTRICT COURT IN THE DISTRICT OF CONNECTICUT.

June 30, 1879.
21 Stat. L., 41.

District court of Connecticut at Hartford to be held on first Tuesday of December.

Be it enacted, &c., That the term of the United States district court for the district of Connecticut, at Hartford, now held on the fourth Tuesday in November, shall hereafter be held on the first Tuesday of December. [*June* 30, 1879.] District court for Connecticut at Hartford to be held on first Tuesday of December.
R. S., § 572.

CHAPTER 52.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN JUDICIAL EXPENSES FOR THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

June 30, 1879.
21 Stat. L., 43.

SECTION
2. Jurors in United States courts; per diem of, $2.
— in Pennsylvania, to be drawn as elsewhere.
— repeal of special oaths and other restrictions.
SECTION
— how to be drawn.
— term of service.
— not disqualified on account of color, &c.
3. Attorney-General to include in his report statement of payments.

Be it enacted, &c.

* * * * * * *

SEC. 2. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be two dollars; Jurors in United States courts; per diem of, to be $2.

And that the last clause of section eight hundred of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections eight hundred and one, eight hundred and twenty, and eight hundred and twenty-one of the Revised Statutes of the United States, are hereby repealed; — in Pennsylvania to be drawn as elsewhere.
R. S., §§ 800, 801.
— repeal of special oath for, and other restrictions.
R. S., §§ 820, 821.

And that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three — how to be drawn.
R. S., § 800.

hundred persons, possessing the qualifications prescribed in section eight hundred of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

Jurors may be drawn from boxes used by State authorities.

But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State;

—term of service of.

And no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith:

—not disqualified on account of race or color, &c.

Provided, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Attorney-General to include in in his report statement of payments, &c.

SEC. 3. That the Attorney-General shall include in his annual report a statement of all payments or expenditures during any fiscal year out of any appropriation fund subject to requisitions by him. [*June* 30, 1879.]

R. S., § 384.

CHAPTER 54.

June 30, 1879.

21 Stat. L., 44.

AN ACT RELATING TO VESSELS NOT PROPELLED BY SAIL OR INTERNAL MOTIVE POWER OF THEIR OWN AND FOR OTHER PURPOSES.

Vessels not propelled by sail or internal power not to pay enrolling or license fee.

Flat boats, barges, &c., not required to be enrolled, registered, or licensed in certain cases.

Vessels not propelled by sail or internal power not to pay enrolling or license fee.

Be it enacted, &c., That the provisions of title fifty of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels, built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a state or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory, nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flat boat, barge or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States. [*June* 30, 1879.]

Flat boats, barges, &c., not required to be enrolled, registered, or licensed in certain cases.

R. S., §§ 4311-4390, 4132, 4312, 4371, 4384.

16 Opin. Att'y-Gen., 563.

CHAPTER 57.

June 30, 1879.

21 Stat. L., 45.

AN ACT PROVIDING FOR FILLING VACANCIES IN THE OFFICE OF CHIEF OF ENGINEERS, UNITED STATES ARMY.

Promotion of engineers in Army above colonel restored.

Promotion of engineers in Army above colonel restored.

Be it enacted, &c., That so much of the (1) act of June tenth, eighteen hundred and seventy-two, chapter four hundred and twenty-six, volume seventeen, page three hundred and eighty-two, Statutes at Large, as prohibits promotion in the Corps of Engineers above the rank of colonel, and all other acts prohibiting said promotion, be, and the same are hereby, repealed. [*June* 30, 1879.]

R. S., § 1151.

NOTE.—(1) The provision of the act of June 10, 1872, ch. 426 (17 Stat. L., 382), here referred to, is incorporated into the Revised Statutes, and forms the last paragraph of § 1151, which this act repeals.

CHAPTER 59.

AN ACT TO PRESCRIBE THE TIMES FOR HOLDING THE CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES IN THE DISTRICT OF KENTUCKY.

July 1, 1879.
21 Stat. L., 45.

SECTION
1. Terms of circuit and district courts in Kentucky; when and where to be held.
2. —not limited in number of days, &c.
SECTION
3. Monthly terms of district court to be held for criminal business.

Be it enacted, &c.

[SECTION 1], That the regular terms of the circuit and district courts of the United States in the district of Kentucky shall be held at the times and places following, to wit:

Terms of circuit and district courts in Kentucky; when and where to be held.
R. S., §§ 572, 658, 577.

At Covington, on the second Monday in May and the first Monday in December;

At Louisville, on the third Monday in February and the first Monday in October;

At Frankfort, on the first Monday in January and the second Monday in June;

And at Paducah, on the first Monday in April and the third Monday in November.

SEC. 2. The terms of said courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of term elsewhere; but the court intervening may be adjourned until the business of the court in session is concluded.

—not limited in number of days, &c.

SEC. 3. Nothing herein contained shall be construed to repeal section five hundred and seventy-eight of the Revised Statutes. [*July* 1, 1879.]

Monthly terms of district court to be held for criminal business.
R. S., § 578.

CHAPTER 60.

AN ACT TO GRANT ADDITIONAL RIGHTS TO HOMESTEAD SETTLERS ON PUBLIC LANDS WITHIN RAILROAD LIMITS IN THE STATES OF MISSOURI AND ARKANSAS

July 1, 1879.
21 Stat. L., 46.

Odd sections of public lands granted in aid of railways in Missouri and Arkansas opened to settlers under homestead laws to extent of 160 acres each.
—without fees, &c.
—residence; how reckoned.
—must have occupied one year.
Settlers heretofore restricted to 80 acres may have additional 80 acres.

Be it enacted, &c., That from and after the passage of this act the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively, in aid of any railroad where the even sections have been granted to and received by any railroad company or by such states respectively in aid of any railroad shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler;

Odd sections of public lands granted in aid of railways in Missouri and Arkansas opened to settlers under homestead laws to extent of 160 acres each.
R. S., §§ 2289–2317.

And any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made.

Settlers heretofore restricted to 80 acres may have additional 80 acres.

And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions;

—without fees or commissions.

And the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five year's residence and cultivation required by law:

—residence, &c.; how reckoned.

Settlers must have occupied same one year.

Provided, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year. [*July* 1, 1879.]

CHAPTER 61.

July 1, 1879.
21 Stat. L., 46.

AN ACT TO PROVIDE OFFICE-ROOMS FOR THE NATIONAL BOARD OF HEALTH, AND FOR THE PUBLICATION OF ITS REPORTS AND PAPERS, AND FOR OTHER PURPOSES.

SECTION
1. National Board of Health to procure rooms, &c.
2. —printing of, to be done at Government Printing Office.
3. —to have report of former board of medical experts, &c., printed.
4. —to pay stenographer of board of experts.
5. —chief clerk of, to act as disbursing clerk.
6. —may erect quarantine buildings, rent houses, acquire lands, &c., as means of preventing importation of disease.
7. —expenditures of; how made.

Be it enacted, &c.

National Board of Health to procure rooms, &c.
1879, March 3, ch. 202.
1879, June 2, ch. 11.

[SECTION 1], That the National Board of Health is hereby authorized and empowered to procure suitable and sufficient offices in the city of Washington for the transaction of its business, at a rental not to exceed the sum of one thousand eight hundred dollars per annum.

And said board is also authorized to pay the sum of two hundred and twenty-five dollars for the rent of building number fourteen hundred and five G street, northwest, in the city of Washington, used by the National Board of Health for offices, from the third day of April, eighteen hundred and seventy-nine, to the third day of July, eighteen hundred and seventy-nine.

—printing of, to be done at Government Printing Office.
R. S., §§ 3785, 3786.

SEC. 2. That the necessary printing of the National Board of Health be done at the Government Printing Office, upon the requisition of the Secretary of the board, in the same manner and subject to the same provisions as other public printing for the several departments of the government:

Provided, That the cost of said printing shall not exceed the sum of ten thousand dollars per annum.

—to have report of former Board of Medical Experts, &c., printed.

SEC. 3. That the National Board of Health is hereby authorized and empowered to have printed and bound ten thousand copies of the report of the Board of Medical Experts created by former act of Congress, which report shall include the report of Doctors Bemiss and Cochran and Engineer Hardee, upon the yellow-fever epidemic of eighteen hundred and seventy-eight; six thousand copies of the same to be furnished the House of Representatives, two thousand copies to the Senate, and the residue to the National Board of Health:

Provided, That the cost of publication and binding said report shall not exceed the sum of seven thousand five hundred dollars.

And the said board is hereby authorized to pay Doctors Bemiss and Cochran and Engineer Hardee ten dollars per day, for the preparation of their said report, for the period of two months: *Provided*, That the same shall be completed and submitted to the board within that time.

—to pay stenographer of Board of Experts.

SEC. 4. That the National Board of Health is hereby authorized and directed to pay to Frank J Taylor, for services as stenographer to the Board of Medical Experts in reporting evidence of medical men and others touching the causes, introduction, and spread of epidemic diseases within the United States, and for preparing the same for publication, the sum of five hundred and forty dollars, said sum being the amount allowed him by the Committee on Epidemic Diseases.

—chief clerk of, to act as disbursing clerk.

SEC. 5. That the chief clerk of the National Board of Health shall act as disbursing agent for the board, and shall give bond, conformably to section one hundred and seventy-six of the Revised Statutes, for the faithful performance of that duty, and for such service he shall receive three hundred dollars per annum, in addition to his salary as chief clerk, and the Board of Health may, with the approval of the Secretary of the

Treasury, pay to its secretary such sum, in addition to his pay as a member of the board, as it may deem proper, not exceeding one hundred dollars per month.

SEC. 6. That section three of the act approved June second, eighteen hundred and seventy-nine, entitled "An act to prevent the introduction of contagious or infectious diseases within the United States", be amended as follows: At the end thereof insert:

"And the Board of Health shall have power, when they may deem it necessary with the consent and approval of the Secretary of the Treasury as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section".

National Board of Health may erect quarantine buildings, rent houses, acquire land, &c., as means of preventing importation of disease.
1879, June 2, ch. 11, § 3.

SEC. 7. That all the money hereinbefore authorized to be expended and all contracts made and liabilities incurred by the National Board of Health shall be paid out of the appropriation of five hundred thousand dollars made in the act of Congress entitled "An act to prevent the introduction of contagious or infectious diseases into the United States", approved June second, eighteen hundred and seventy-nine. [*July* 1, 1879.]

—expenditures of; how paid.
1879, June 2, ch. 11.

CHAPTER 62.

AN ACT TO PROVIDE FOR THE CONVEYANCE OF THE LOW GROUNDS IN THE CITY OF WASHINGTON, UNDER THE PROVISIONS OF THE ACT OF CONGRESS, CHAPTER NINETY-SIX, APPROVED MAY SEVENTH, EIGHTEEN HUNDRED AND TWENTY-TWO.

July 1, 1879.
21 Stat. L., 47.

Secretary of Interior vested with power to convey certain low grounds in Washington, D. C.

Be it enacted, &c., That the powers and duties heretofore in and by the third section of the act of Congress, approved May seventh, eighteen hundred and twenty-two, to wit, chapter ninety-six, of the first session of the seventeenth congress, devolved upon and vested in "the mayor of the city of Washington for the time being", be, and the same hereby are, vested in and devolved upon the Secretary of the Interior, who shall execute the deeds thereby required, under his hand and official seal, when it shall appear to him that the persons applying for such deeds are duly entitled to have the same:

Provided, nevertheless, this act shall not be so construed as to create or revive any right lost by lapse of time. [*July* 1, 1879.]

Secretary of Interior vested with power to convey certain low grounds in Washington, D. C.
1822, May 7, ch. 96, § 3 (3 Stat. L., 691).

CHAPTER 63.

AN ACT FOR THE RELIEF OF SETTLERS ON THE PUBLIC LANDS IN DISTRICTS SUBJECT TO GRASSHOPPER INCURSIONS. (1)

July 1, 1879.
21 Stat. L., 48.

SECTION
1. Homestead and pre-emption settlers whose crops are injured by grasshoppers may be absent, under regulations, &c.
2. —time may be extended for making proof and payment.

SECTION
Provisions of act to apply to settlers under timber act.

Be it enacted, &c.

[SECTION 1], That it shall be lawful for homestead and pre-emption settlers on the public lands, and in all cases where pre-emptions are authorized by law, where crops have been or may be destroyed or seri-

Homestead and pre-emption settlers whose crops are injured

NOTES.—(1) Previous acts permitting settlers to be absent from their lands in specified years, on account of injury by the grasshoppers, are as follows: 1874, June 18, ch. 308; 1874, December 28, ch. 10; 1876, May 20, ch. 102; 1876, June 19, ch. 134; 1877, March 3, ch. 127; 1878, June 1, ch. 148, and 1878, June 14, ch. 190.

by grasshoppers may be absent one year under regulations, &c.
R. S., §§ 2257-2288, 2289-2317.

ously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe;

But in no case shall such absence extend beyond one year continuously;

And during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

—time for making proof and payment may be extended.

SEC 2. That the time for making final proof and payment by pre-emptors whose crops shall have been destroyed or injured as aforesaid, may, in the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act;

Provisions of act to apply to settlers under the timber act.
R. S., §§ 2464-2468.
1874, March 13, ch. 55. 1876, May 20, ch. 102. 1878, June 14, ch. 190.

And all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on Western prairies" approved March third, eighteen hundred and seventy-three, (2) and the acts amendatory thereof. [*July* 1, 1879.]

NOTE.—(2) The act of 1873, March 3, ch. 277 (17 Stat. L., 606), and the provisions amendatory thereof, to encourage the growth of timber, here referred to, are incorporated into the Revised Statutes in the sections noted in the margin. But new provisions on the subject were made by the act of 1874, March 3, ch. 55; act of 1876, May 20, ch. 102, and still later by the act of 1878, June 14, ch. 190, § 2.

CHAPTER 64.

July 1, 1879.
21 Stat. L., 48.

AN ACT TO PUT SALTS OF QUININE AND SULPHATE OF QUININE ON THE FREE LIST.

Quinine and salts and sulphate of quinine exempt from customs duty.

Quinine and salts and sulphate of quinine exempt from customs duty.
R. S., § 2504, 2d ed., p. 480.

Be it enacted, &c., That from and after the passage of this act the importation of salts of quinine and sulphate of quinine shall be exempt from customs duties; and all laws inconsistent herewith are hereby repealed. [*July* 1, 1879.]

RESOLUTIONS.

NUMBER 6.

June 14, 1879.
21 Stat. L., 50.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF THE NAVY TO PLACE VESSELS AND HULKS AT THE DISPOSAL OF COMMISSIONERS OF QUARANTINE OR OTHER PROPER PERSONS AT THE PORTS OF THE UNITED STATES.

Secretary of Navy, on request of National Board of Health, may place vessels at disposal of quarantine authorities, &c.

Secretary of Navy, on request of National Board of Health, may place vessels at disposal of quarantine authorities, &c.
1879, March 3, ch. 202.

Be it resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, at the request of the National Board of Health, to place gratuitously, at the disposal of the commissioners of quarantine, or the proper authorities at any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses of the national government, subject to such restrictions and regulations as the said Secretary may deem necessary to impose for the preservation thereof. [*June* 14, 1879.]

NUMBER 20.

JOINT RESOLUTION IN RELATION TO COMMITTEE CLERKS, PAGES, AND OTHER EMPLOYEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

July 1, 1879.
21 Stat. L., 55.

Court of Claims to be provided with rooms, and those which it has heretofore occupied in Capitol to be arranged for committees.

Resolved, &c.

* * * * * * *

SEC. 2. That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely:

Court of Claims to be provided with rooms, and those which it has heretofore occupied in the Capitol to be arranged for committees.
R. S., § 1051.

* * * * * * *

For suitable and necessary rooms for the use and accommodation of the Court of Claims, which the Secretary of the Interior is hereby authorized and directed to procure, five thousand dollars, or so much thereof as may be necessary. (1)

For arranging and furnishing as Committee-rooms for the use of the Senate and House to be allotted equally as nearly as practicable, the rooms in the Capitol now occupied by the Court of Claims, the sum of two thousand dollars.

* * * * * * *

[*July* 1, 1879.]

NOTE.—(1) Under this provision the Court of Claims removed to the building occupied in part by the Department of Justice, on Pennsylvania avenue, No. 1509. (See Historical Notice in 14 Ct. Cs., R. 1, preceding the rules.

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-SIXTH CONGRESS—SECOND SESSION

IN

THE YEARS 1879–1880.

[NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts, and are not of general interest.
R. S. refer to Revised Statutes; S. L. and STAT. L. to Statutes at Large.]

CHAPTER 1.

AN ACT AUTHORIZING AN ALLOWANCE FOR LOSS BY LEAKAGE OR CASUALTY OF SPIRITS WITHDRAWN FROM DISTILLERY WAREHOUSES FOR EXPORTATION.

Dec. 20, 1879.
21 Stat. L., 59.

SECTION
1. When spirits are withdrawn from distillery warehouse for exportation, allowance may be made for leakage or loss by accident. — unpaid taxes on spirits so lost not to be collected.
2. To extent of excessive insurance, such tax not to be remitted.

Be it enacted, &c.

When spirits are withdrawn from distillery warehouses for exportation, allowance may be made for leakage or loss by accident.

[SECTION 1], That where spirits are withdrawn from distillery warehouses for exportation according to law, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to the port of export;

R. S., § 3330.
1874, June 9, ch. 259.
1877, March 3, ch. 114, § 5. 1879, March 1, ch. 125, § 10.

Unpaid taxes on spirits so lost not to be collected.

Nor shall any assessment be collected for such loss or leakage where the same has not been paid on distilled spirits exported since the first day of May, eighteen hundred and seventy-eight.

To extent of excessive insurance, such tax not to be remitted.

SEC. 2. That where the spirits provided for in the preceding section are covered by a valid claim of insurance in excess of the market value thereof, exclusive of the tax, the tax upon such spirits shall not be remitted to the extent of such excessive insurance [*December* 20, 1879.]

CHAPTER 2.

Dec. 22, 1879.

AN ACT RELATING TO PRINTING IMPRESSIONS FROM PORTRAITS AND VIGNETTES.

21 Stat. L., 59.

Impressions of portraits and vignettes may be furnished from Bureau of Engraving and Printing by order of Secretary of Treasury.

Impressions of portraits and vignettes may be furnished from Bureau of Engraving by order of Secretary of Treasury.

Be it enacted, &c., That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests. [*December* 22, 1879.]

CHAPTER 8.

Jan. 21, 1880.

AN ACT TO ESTABLISH A LAND-DISTRICT IN THE TERRITORY OF DAKOTA, AND LOCATING THE OFFICE AT GRAND FORKS.

21 Stat. L., 60.

SECTION
1. Grand Forks land district in Dakota established.
SECTION
2. Register and receiver; appointment, residence, and salaries.

Be it enacted, &c.

Grand Forks land-district in Dakota established.

R. S., § 2256, 2d ed., p. 411.

[SECTION 1], That all that portion of the Territory of Dakota lying and being north of the twelfth standard parallel and east of the tenth guide meridian shall constitute a new land-district, to be known as the Grand Forks district.

Register and receiver; appointment, residence, and salaries.

R. S., §§ 2234–2247.

SEC. 2. The President is hereby authorized to appoint, in the manner provided by law, a register and a receiver for said district, who shall be required to reside in Grand Forks, in the county of Grand Forks, until such time as the President may, in his discretion, remove the site of said land-office from said Grand Forks; and said register and said receiver shall be subject to the same laws and entitled to the same compensation as is or may be provided by law in relation to existing land offices and officers in said Territory. [*January* 21, 1880.]

CHAPTER 9.

Jan. 22, 1880.

AN ACT TO AMEND SECTIONS TWENTY-THREE HUNDRED AND TWENTY-FOUR AND TWENTY-THREE HUNDRED AND TWENTY-FIVE OF THE REVISED STATUTES OF THE UNITED STATES CONCERNING MINERAL LANDS.

21 Stat. L., 61.

SECTION
1. Application for patents for mineral lands, &c., may be made by agent when claimant resides out of district.
— pending cases.
SECTION
2. On unpatented claims year's work required by law to commence January 1 after location.

Be it enacted, &c.

Applications for patents for mineral lands, &c., may be made by agent when claimant resides out of district.

R. S., § 2325.

[SECTION 1], That section twenty-three hundred and twenty-five of the Revised Statutes of the United States be amended by adding thereto the following words:

"*Provided*, That where the claimant for a patent is not a resident of or within the land district wherein the vein, lode, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent, where said agent is conversant with the facts sought to be established by said affidavits:

— pending cases.

And provided, That this section shall apply to all applications now pending for patents to mineral lands."

SEC. 2. That section twenty-three hundred and twenty-four of the Revised Statutes of the United States be amended by adding the following words:

"*Provided*, That the period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of January succeeding the date of location of such claim, and this section shall apply to all claims located since the tenth day of May, anno Domini eighteen hundred and seventy-two." [*January* 22, 1880.]

On unpatented claims year's work required by law to commence January 1 after location.
R. S., § 2324.

CHAPTER 13.

AN ACT AUTHORIZING THE SECRETARY OF THE TREASURY TO APPOINT A DEPUTY-COLLECTOR AT SEAFORD, SUSSEX COUNTY, DELAWARE, AND FOR OTHER PURPOSES.

Jan. 24, 1880.
21 Stat. L., 62.

Deputy collector of customs, &c., may be appointed at Seaford, Del. | —salary.

Be it enacted, &c., That the Secretary of the Treasury be and is hereby authorized to appoint a deputy-collector or other suitable officer at Seaford, Sussex County, Delaware, who shall have power to enter and clear all vessels coming to that port;

Deputy collector of customs, &c., may be appointed at Seaford, Del.
R. S., §§ 2546, 2547.

And the salary of such officer shall not exceed the sum of five hundred dollars per annum. [*January* 24, 1880.]

—salary.

CHAPTER 17.

AN ACT TO PROVIDE FOR CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES AT MACON, GEORGIA, AND TO TRANSFER CERTAIN COUNTIES FROM THE NORTHERN TO THE SOUTHERN DISTRICT IN SAID STATE.

Jan. 29, 1880.
21 Stat. L., 62.

SECTION
1. Judicial districts of Georgia; certain counties transferred.
2. Southern, western, and eastern divisions.
3. A term of circuit court to be held at Macon.
4. Suits in circuit and district courts; in which division to be brought. Issues of fact.
5. Prosecutions for offenses; in which division to be commenced.
6. Civil actions now pending at Savannah may be transferred.
7. Removal of suits from State courts in Georgia; to what divisions.
8. Residence of jurors. Process from either division may be served in the other.
9. When act takes effect. Repeal.

Be it enacted, &c.

[SECTION 1], That the counties of Pike, Butts, and Jasper, heretofore composing a part of the northern district of Georgia, be transferred to, and henceforth form a part of, the southern district of Georgia.

Judicial districts of Georgia; certain counties transferred.
R. S., § 535.

SEC. 2. Said southern district shall be and hereby is, divided into two divisions, to be known as the eastern and the western divisions of the southern district of Georgia.

Southern district divided.

The western division shall consist of forty-three counties, to wit: Bibb, Monroe, Jones, Twiggs, Houston, Crawford, Baldwin, Wilkinson, Laurens, Pulaski, Dooly, Macon, Taylor, Upson, Pike, Butts, Jasper, Putnam, Hancock, Warren, Dodge, Wilcox, Telfair, Sumter, Schley, Marion, Talbot, Harris, Muscogee, Chattahoochee, Stewart, Webster, Lee, Terrell, Randolph, Quitman, Clay, Calhoun, Dougherty, Baker, Early, Miller, and Mitchell.

—western division.

The eastern division shall consist of the remaining counties in said district.

—eastern division.

No additional clerk or marshal shall be appointed in said district.

No additional clerk or marshal.

SEC. 3. A term of the circuit court and of the district court for the southern district of Georgia shall be held at Macon in said State on the first Mondays of May and October in each year.

A term of circuit court to be held at Macon.
R. S., § 658.

Suits in circuit and district courts; in which division to be brought. R. S., § 740.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division.

Issues of fact; where to be tried.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

Prosecutions for offenses; in which division to be commenced.

SEC. 5. Prosecutions for crimes or offenses hereafter committed in either of the sub-divisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties, taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

Civil actions now pending at Savannah may be transferred.

SEC. 6. Civil actions or proceedings now pending at Savannah in said southern district, which would under this act be brought in the western division of said district, may be transferred, by the consent of all the parties, to said western division;

And in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the deputy clerk's office at Macon, and the same shall be proceeded with in all respects as though it was originally commenced in the western division.

Removal of suits from State courts in Georgia to what division.

SEC. 7. In all cases of removal of suits from the courts of the State of Georgia to the courts of the United States in the southern district of Georgia such removal shall be to the United States courts in the division in which the county is situated from which the removal is made;

And the time within which the removal shall be perfected, in so far as it refers to, or is regulated by, the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Residence of jurors.

SEC. 8. All grand and petit jurors summoned for service in each division shall be residents of such division.

Process from either division may be served in the other.

All mesne and final process, subject to the provisions hereinbefore contained, issued in either of said divisions may be served and executed in either or both of the divisions.

When act takes effect.

SEC. 9. This act shall be in force from and after the first day of July anno Domini, eighteen hundred and eighty.

Repeal.

All acts and parts of acts inconsistent herewith are hereby repealed. [*January* 29, 1880.]

CHAPTER 18.

Feb. 4, 1880.
21 Stat. L., 63.

AN ACT TO PROVIDE FOR CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES AT COLUMBUS, OHIO, AND TRANSFERRING CERTAIN COUNTIES FROM THE NORTHERN TO THE SOUTHERN DISTRICT IN SAID STATE.

SECTION
1. Judicial districts of Ohio; counties transferred.
2. Term of circuit court at Columbus.
3. Southern district divided into eastern and western divisions.
— no additional clerk or marshal.
4. Suits; in which division to be brought and where issues to be tried.
5. Prosecutions for offenses; in which division to be commenced.
6. Actions pending in Cincinnati may be transferred.
7. Residence of jurors.
Processes from either division may be served in the other.
8. Removal of suits from State courts; to which division.
9. When act takes effect. Repeal.

Be it enacted, &c.

Judicial districts of Ohio; counties transferred from northern to southern. R. S., § 544. 1878, June 8, ch. 169, § 2.

[SECTION 1], That the counties of Union, Delaware, Morrow, Knox, Coshocton, Harrison, and Jefferson, heretofore composing a part of the northern district of Ohio, be transferred to, and henceforth form a part of, the southern district of Ohio.

Terms of circuit court at Columbus. R. S., § 658, 2d ed., p. 122.

SEC. 2. A term of the circuit court and of the district court for the southern district of Ohio shall be held at Columbus in said State on the first Tuesday of the months of June and December in each year.

SEC. 3. Said southern district shall be, and hereby is, divided into two divisions, to be known as the eastern and the western division of the southern district of Ohio. Southern district divided.

The eastern division shall consist of twenty-nine counties, to wit: Union, Delaware, Morrow, Knox, Coshocton, Harrison, Jefferson, Madison, Fayette, Franklin, Pickaway, Ross, Pike, Gallia, Jackson, Meigs, Vinton, Athens, Hocking, Fairfield, Licking, Perry, Muskingum, Morgan, Washington, Noble, Monroe, Belmont, and Guernsey; —eastern division.

And the western division shall consist of the remaining counties in said district. —western division.

But no additional clerk or marshal shall be appointed in said district. —no additional clerk or marshal.

SEC. 4. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division. Suits; in which division to be brought and where issues to be tried. R. S., § 740.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

SEC. 5. All prosecutions for crimes or offenses hereafter committed in either of the sub-divisions shall be cognizable within such division; and all prosecutions for crimes or offenses heretofore committed within either of said counties taken as aforesaid from the northern district, or committed in the southern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed. Prosecutions for offenses; in which division to be commenced.

SEC. 6. Actions or proceedings now pending at Cincinnati, in said district, which would under this act be brought in the eastern division of said district, may be transferred, by the consent of all the parties, to said eastern division; and in case of such transfer, all papers and files therein, with copies of all journal-entries, shall be transferred to the deputy clerk's office at Columbus, and the same shall be proceeded with in all respects as though it originally commenced in the eastern division. Actions pending in Cincinnati may be transferred.

SEC. 7. All grand and petit jurors summoned for service in each division shall be residents of such division. Residence of jurors.

All mesne and final process subject to the provisions hereinbefore contained issued in either of said divisions may be served and executed in either or both of the divisions. Process from either division may be served in the other.

SEC. 8. In all cases of removal of suits from the courts of the State of Ohio to the courts of the United States in the southern district of Ohio, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made; Removal of suits from State courts; to which division.

And the time within which the removal shall be perfected in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 9. This act shall be in force from and after the first day of March, anno Domini eighteen hundred and eighty; When act takes effect.

And all acts and parts of acts inconsistent herewith are hereby repealed. [*February* 4, 1880.] Repeal.

CHAPTER 25.

AN ACT AUTHORIZING THE CONVERSION OF NATIONAL GOLD BANKS. Feb. 14, 1880.

National gold banks may become currency banks. | Date of organization certificates. 21 Stat. L., 65.

Be it enacted, &c., That any national gold bank organized under the provisions of the laws of the United States, may, in the manner and subject to the provisions prescribed by section fifty-one hundred and fifty-four of the Revised Statutes of the United States, for the conversion of banks incorporated under the laws of any State, cease to be a gold bank, and become such an association as is authorized by section fifty- National gold banks may become currency banks. R. S., §§ 5133, 5154, 5185.

one hundred and thirty-three, for carrying on the business of banking, and shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are by law prescribed for such associations:

Date of organization certificates.

Provided, That all certificates of organization which shall be issued under this act shall bear the date of the original organization of each bank respectively as a gold bank. [*February* 14, 1880.]

CHAPTER 30.

Feb. 24, 1880.
21 Stat. L., 66.

AN ACT AUTHORIZING THE SECRETARY OF THE TREASURY TO APPOINT A DEPUTY COLLECTOR AT LAKE CHARLES, LOUISIANA.

Deputy collector of customs at Lake Charles, La.

Deputy collector of customs at Lake Charles, La. R. S., § 2569.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy-collector at Lake Charles, Calcasieu Parish, State of Louisiana, who shall have power to enter and clear all vessels coming to that port. [*February* 24, 1880.]

CHAPTER 33.

March 5, 1880.
21 Stat. L., 66.

AN ACT FOR THE RELIEF OF COLORED EMIGRANTS.

Contributions for colored emigrants from one State to another admitted free of duty. | —conditions of free admission. When act takes effect.

Contributions for colored emigrants from one State to another admitted free of duty. R. S., § 2505.

Be it enacted, &c., That all clothing and other articles, being charitable contributions or the avails of charitable contributions, imported in good faith for the relief or aid of colored persons who may have emigrated from their homes to other States, and not for sale, and all such articles imported and now in bond, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe:

—conditions of free admission.

Provided, That such articles shall be delivered only to State or municipal corporations, or to some society or institution established for charitable purposes.

And provided further, That the importers or consignees of such articles shall give such security as the Secretary of the Treasury may prescribe for the payment of lawful duties on such articles, should any of them be sold, or used contrary to the provisions and intent of this act.

When act takes effect.

This act shall take effect from its passage and remain in force until February first, eighteen hundred and eighty-one. [*March* 5, 1880.]

CHAPTER 37.

March 10, 1880.
21 Stat. L., 67.

AN ACT TO AMEND SECTION THREE THOUSAND AND TWENTY OF THE REVISED STATUTES.

Manufactures in part of wood entitled to drawback on export when imported material exceeds half value. | Cans filled with domestic products entitled to drawback on export; when, &c.

Manufactures in part of wood entitled to drawback on export when imported material exceeds half value. R. S., §§ 3019. *Substitute for* R. S., § 3020.

Be it enacted, &c., That section three thousand and twenty of the Revised Statutes be so amended as to read as follows:

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stock or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases where the imported material exceeds one-half of the value of the material used.

And where cans, manufactured in whole or in part of imported material, filled with products grown or produced in the United States, are exported for benefit of such drawback, the same shall, in all cases, be entitled to the drawback provided for in the preceding section where the imported material used in the manufacture of such cans shall equal seventy per centum of the value of all the material used in the manufacture thereof. [*March* 10, 1880.]

Cans filled with domestic products entitled to drawback on export; when, &c.
R. S., §§ 3019, 3020.

CHAPTER 38.

AN ACT AUTHORIZING THE SECRETARY OF THE INTERIOR AND SECRETARY OF WAR TO EMPLOY ADDITIONAL CLERKS FOR THE BALANCE OF THIS FISCAL YEAR TO EXPEDITE THE SETTLEMENT OF PENSION APPLICATIONS, AND FOR OTHER PURPOSES.

March 16, 1880.
21 Stat. L., 67.

Secretary of War to appoint seventy additional clerks for Surgeon-General's Office.

Be it enacted, &c., * * *

That the Secretary of War be, and he is hereby, authorized to appoint seventy additional clerks, forty for the office of the Surgeon-General, at a salary of eighty-three and one-third dollars per month each, and thirty clerks for the office of the Adjutant-General, at a salary of one hundred dollars per month each; and purchase furniture for the use of said clerks in the office of the Surgeon-General at a cost not exceeding one thousand dollars; and that said clerks shall be exclusively engaged in preparing and making reports to expedite the settlement of pension applications called for by the Commissioner of Pensions, * * * [*March* 16, 1880.]

Secretary of War to appoint seventy additional clerks for Surgeon-General's office.
R. S., § 215.
1874, June 19, ch. 328, § 1, par. 20.

CHAPTER 39.

AN ACT FOR THE RELIEF OF CERTAIN ACTUAL SETTLERS ON THE KANSAS TRUST AND DIMINISHED RESERVE LANDS IN THE STATE OF KANSAS.

March 16, 1880.
21 Stat. L., 68.

SECTION
1. Settlers on Kansas Indian lands may pay newly-appraised value.
— payment; how made.
— those in possession who have not paid to make entry before January, 1881, to pay by installments, and give bond in case of timber lands, &c.

SECTION
Lands not in possession may be entered.
2. Those who have entered under former act may pay newly-appraised value.
3. — failing to make entry to forfeit rights, and lands to be sold.
4. Actual settlement on contiguous lands, &c., sufficient.

Be it enacted, &c.

[SECTION 1], That the persons included in the provisions of section one of the act approved July five, eighteen hundred and seventy-six entitled, "An act providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of the sale", or the heirs, legal representatives and assigns of said persons, shall be permitted to complete the payment for the lands to which they are entitled under said act, at the newly appraised value as ascertained and approved by the Secretary of the Interior, under section three of said act, and in completing such payment credit shall be given for all sums heretofore paid as principal and interest, which sums shall be considered as constituting one instalment upon the present appraised value at the date when the last payment thereof was made;

Settlers on Kansas Indian lands may pay newly-appraised value.
1876, July 5, ch. 168.

And the balance shall be paid in three equal instalments, the first to be paid on or before the first day of January eighteen hundred and eighty-one, and the remaining instalments shall be payable annually from the date of the first;

— payment; how made.

Each instalment to draw interest at the rate of six per centum per annum, from the date when the last payment heretofore made, was received by the district office:

Settlers on Kansas Indian lands in possession, who have not paid, to make entry before January, 1881, to pay by installments, give bond, &c.
1874, June 23, ch. 471.

Provided, That if any of said persons have failed to make payment heretofore of any portion of the purchase money, as required under the act aforesaid, or the act of June twenty-third, eighteen hundred and seventy-four, relating to these lands, such persons, their heirs, legal representatives or assigns, being in possession thereof shall be required, prior to the first day of January eighteen hundred and eighty-one, to make entry and pay for their respective claims in three equal instalments, the first on the day of entry and the remaining instalments annually from that date and drawing interest at the rate of six per centum per annum until paid; bond being required in case of timbered lands to prevent waste as in section one of said act;

Lands not in possession may be entered.

And where such persons their heirs legal representatives or assigns are not in possession of said lands then the same may be entered as others of the said Kansas Indian lands, by actual settlers only.

Those who have entered under former acts may pay newly-appraised value.
1874, June 23, ch. 471, § 2.

SEC. 2. That all persons who have made entries under section two of the act of June twenty-third, eighteen hundred and seventy-four, relating to these lands, may complete their payments upon such entries at the newly appraised value thereof in the same manner and upon the same terms, credits, and limitations as are provided in section one of this act.

—failing to make entries to forfeit rights, and lands to be sold.
1876, July 5, ch. 168, § 5.

SEC. 3. That the terms of the proviso of section two of the act of July fifth, eighteen hundred and seventy-six, relating to default and forfeiture shall extend to all entries and requirements under the provisions of this act.

Actual settlement on contiguous land, &c., sufficient.

SEC. 4. Actual settlement on any of said lands shall be regarded as sufficient in all cases where the claimant actually resides on contiguous land to which he holds the legal title, and has heretofore cultivated and made valuable improvements on his adjoining claim, in good faith, for the purpose of a home for himself:

Provided, Said claimant shall in all other respects comply with the law and the regulations issued thereunder by the General Land Office. [*March* 16, 1880.]

CHAPTER 40.

April 1, 1880.
21 Stat. L., 69.

AN ACT TO RESTORE TO THE PUBLIC DOMAIN THE MILITARY RESERVATION KNOWN AS THE FORT RIPLEY RESERVATION, IN THE STATE OF MINNESOTA, AND FOR OTHER PURPOSES.

SECTION
1. Fort Ripley reservation land turned over to Secretary of Interior, except, &c.
2. —subject to entry under pre-emption and homestead laws.
Rights of present occupants to date from settlement.
Persons who have paid minimum price to have patents.
Tracts having government buildings thereon to be appraised and sold at not below appraisal.
3. Repeal.

Be it enacted, &c.

Fort Ripley reservation land turned over to Secretary of Interior, except strips granted to Western Railroad Company.
1857, ch. 99 (11 Stat. L., 195).
1865, ch. 105 (13 Stat. L., 526).

[SECTION 1], That the Secretary of War be, and he is hereby, authorized and required to turn over to the Department of the Interior all of the military reservation known as the Fort Ripley reservation, in the State of Minnesota, except a strip or tract of land fifty feet in width from the centre of the railroad track on each side of said track of the Western Railroad Company of Minnesota, as the said track is located and constructed, being a distance of about fifteen miles across said reservation on the east side of the Mississippi River;

Together with a tract of land fifteen hundred feet in length and three hundred feet in width for depot and station purposes at the present location of the Fort Ripley side track, the same being for right of way for said railroad as heretofore granted by acts of Congress in the years eighteen hundred and fifty-seven, and eighteen hundred and sixty-five and which is hereby granted for that purpose.

SEC. 2. All the lands embraced in said Fort Ripley reservation hereby required to be turned over to the Secretary of the Interior shall be subject to entry by actual settlers under the pre-emption and homestead laws as minimum lands, of the rate of one dollar and twenty-five cents per acre, from and after the passage of this act.

Fort Ripley reservation: subject to entry under pre-emption and homestead laws.
R. S., §§ 2257–2289, 2317.

The rights of all actual settlers entitled to the benefits of the pre-emption or homestead laws who now occupy said lands shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead or pre-emption laws the time such settlers have occupied and improved their said lands shall be allowed:

Rights of present occupiers to date from settlement.

Provided, That all persons who purchased and paid for any of said lands at the sale authorized by the War Department in the year anno Domini eighteen hundred and fifty-seven and paid therefor the minimum price of one dollar and twenty-five cents per acre shall be entitled to patents for the same without further payment:

—persons who have paid minimum price to have patents.

And provided further, That the Secretary of the Interior shall, prior to offering any quarter section, half quarter section, or quarter quarter section whereon are situate any public buildings or improvements, erected or made by the government, cause the said tracts with the improvements thereon to be appraised by three disinterested persons, and upon his approval of such appraisement shall dispose of said tracts at not less than the appraised value.

Tracts having government building thereon to be appraised and sold at not below appraisal.

SEC. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect and be in force from and after its passage. [*April* 1, 1880.]

Repeal.

CHAPTER 41.

AN ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO DEPOSIT CERTAIN FUNDS IN THE UNITED STATES TREASURY IN LIEU OF INVESTMENT.

April 1, 1880.
21 Stat. L., 70.

Secretary of Interior may deposit Indian trust funds in Treasury.
Interest; how payable; permanent appropriation for.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to deposit, in the Treasury of the United States, any and all sums now held by him, or which may hereafter be received by him, as Secretary of the Interior and trustee of various Indian tribes, on account of the redemption of United States bonds, or other stocks and securities belonging to the Indian trust-fund, and all sums received on account of sales of Indian trust-lands, and the sales of stocks lately purchased for temporary investment, whenever he is of the opinion that the best interests of the Indians will be promoted by such deposits, in lieu of investments;

Secretary of Interior may deposit Indian trust funds in Treasury.
R. S., § 3659.
1874, June 22, ch. 388, par. 2.
1876, June 10, ch. 122.
1880, May 11, ch. 85, § 6.

And the United States shall pay interest semi-annually, from the date of deposit of any and all such sums in the United States Treasury, at the rate per annum stipulated by treaties or prescribed by law, and such payments shall be made in the usual manner, as each may become due, without further appropriation by Congress. [*April* 1, 1880.]

Interest; how payable; permanent appropriation for same.

CHAPTER 47.

AN ACT FOR PROTECTION OF THE POTOMAC FISHERIES IN THE DISTRICT OF COLUMBIA AND FOR THE PRESERVATION OF SHAD AND HERRING IN THE POTOMAC RIVER.

April 6, 1880.
21 Stat. L., 71.

SECTION
1. In District of Columbia, certain fishing in Potomac River prohibited.
2. —during fishing season, time between sundown Saturday and midnight Sunday closed, &c.
3. Black bass or salmon not to be taken, except with hook and line.
4. Shad or herring not to be sold, &c., after June 10.
5. Penalty; disposition of fines; pay of informer. Act does not prohibit fishing with the outline, nor prevent Commissioner of Fisheries from taking fish.

In District of Columbia, certain fishing in Potomac River prohibited from May 30 to January 1.

Be it enacted, &c.

[SECTION 1], That it shall not be lawful to fish with fyke-net, pound-net, stake-net, weir, float-net, gill-net, haul-seine, or any other contrivance stationary or floating, in the waters of the Potomac River within the District of Columbia, after the thirtieth day of May in any year.

During fishing season, time between sundown Saturday and midnight Sunday closed, &c.

SEC. 2. That during the fishing season, namely, from the first day of January to the thirtieth day of May in every year, there shall be observed in each week, a closed season, beginning at sundown on Saturday evening, and ending at midnight on Sunday night during which time it shall be unlawful to lay out any haul seine or float net or to fish the same, and all stake-nets, and the leaders of all hedges or pounds, fyke-nets and weirs shall be lifted clear of the water so as to allow unobstructed passage to the fish:

Provided, That in the case of weirs it will be sufficient to remove a section of the hedging next the pound or pen, not less than twelve feet in length.

Black bass or salmon not to be taken except with hook and line.

SEC. 3. That it shall be unlawful for any person to take, in any other manner than by angling, or with the out line, any fish of the species known as "black bass" or "salmon".

Shad or herring not to be sold, &c., after June 10.

SEC. 4. That it shall be unlawful for any person to have in possession or expose for sale in the District of Columbia, after the tenth day of June in any year, fish of the shad or herring species (fresh) under a penalty of five dollars for every fish so exposed or found in possession.

Penalty; disposition of fines; pay to informer.

SEC. 5. That any person who shall offend against any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon sufficient proof thereof in the Police Court or other court of the District shall be fined not less than ten nor more than one hundred dollars for each offense and shall forfeit to the District his nets, boats and other apparatus, which shall be sold and the proceeds of such sales and all fines accruing under this act shall be paid into the Treasury, and therefrom, to the informer, in each case where conviction ensues, shall be paid the sum of ten dollars:

Act does not prohibit fishing with the out-line, nor prevent Commissioner of Fisheries from taking fish.

Provided, That nothing in this act shall be construed to prohibit angling or fishing with the out line, or to prevent the Commissioner of Fish and Fisheries, or his agents, from taking from the waters named, in any manner desired, fish of any kind for scientific purposes or for the purposes of propagation. [*April* 6, 1880.]

CHAPTER 48.

April 7, 1880.

21 Stat. L., 71.

AN ACT TO PROVIDE FOR A DEFICIENCY IN THE APPROPRIATIONS FOR THE TRANSPORTATION OF THE MAILS ON STAR ROUTES FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY, AND FOR OTHER PURPOSES.

Postmaster-General not to expedite any mail service at rate of pay exceeding 50 per cent. of contract.

Be it enacted, &c. * * * * * *

SECTION 2. * * *

Postmaster-General not to expedite any mail service at rate of pay exceeding 50 per cent. of contract.

R. S., § 3961.

Provided, That the Postmaster General shall not hereafter have the power to expedite the service under any contract either now existing or hereafter given to a rate of pay exceeding fifty per centum upon the contract as originally let.

* * * * * * *

[*April* 7, 1880.]

CHAPTER 49.

AN ACT GIVING THE CONSENT OF CONGRESS TO AN AGREEMENT OR COMPACT ENTERED INTO BETWEEN THE STATES OF NEW YORK AND VERMONT RESPECTING THE BOUNDARY BETWEEN SAID STATES.

April 7, 1880.
21 Stat. L., 72.

Cession of part of town of Fair Haven, Vt., to State of New York.
Preamble.
Assent of Congress given.

Whereas the general assembly of the State of Vermont at its October session, anno Domini eighteen hundred and seventy-six, passed an act which was approved on the twenty-seventh day of November of the same year, declaring that "all that portion of the town of Fair Haven, in the county of Rutland, and State of Vermont, lying westerly from the middle of the deepest channel of Poultney River as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont as at present established, is hereby ceded and relinquished to the State of New York in full and absolute right and jurisdiction."

Cession of part of town of Fair Haven, Vt., to State of New York.
Preamble.

And also declaring that "this act shall not take effect until the State of New York shall have assented to the same, nor until the same shall have been approved by an act of the Congress of the United States"; and

Whereas "the people of the State of New York represented in senate and assembly" did by act approved March twentieth, anno Domini eighteen hundred and seventy-nine, enact that "sovereignty and jurisdiction over all that portion of the town of Fair Haven, in the county of Rutland and State of Vermont, lying westerly from the middle of the deepest channel of Poultney River, as it now runs, and between the middle of the deepest channel of said river and the west line of the State of Vermont, as at present established", "and the same is described in an act of the legislature of the State of Vermont entitled 'An act annexing that portion of the town of Fair Haven, lying west of Poultney River, to the State of New York' and approved by the governor of the said State of Vermont November twenty-seventh, anno Domini eighteen hundred and seventy-six, and the cession of the same to the State of New York is hereby accepted by the State of New York"; and also enacting that "this act shall take effect when the Congress of the United States shall consent to such cession and annexation": Therefore,

Be it enacted, &c., That the consent of the Congress of the United States is hereby given to the said agreement, compact, and cession, and every part and article thereof. [*April* 7, 1880.]

—assented to by Congress.

CHAPTER 56.

AN ACT RELATING TO JUSTICES OF THE PEACE IN THE TERRITORIES.

April 16, 1880.
21 Stat. L., 74.

SECTION
1. Justices of the peace in Territories to fill vacancies; how appointed.
SECTION
—to hold until successors are elected, &c.
2. Repeal.

Be it enacted, &c.

Justices of peace in Territories to fill vacancies; how appointed.
R. S., § 1856.

[SECTION 1], That when from any cause there shall be a vacancy in the office of justice of the peace in any of the Territories of the United States, it shall be lawful to fill such vacancy by appointment or election, in such manner as has been or may be provided by the governor and legislative assembly of such Territory:

—to hold only till successors are elected, &c.

Provided, That such appointee, or person elected to fill such vacancy, shall hold office only until his successor shall be regularly elected and qualified as provided by law.

Repeal.

SEC. 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed. [*April* 16, 1880.]

CHAPTER 57.

April 20, 1880.
21 Stat. L., 75.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR TAKING THE TENTH AND SUBSEQUENT CENSUSES", APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE.

SECTION
1. The census; mail-matter for, to pass free; penalty for unauthorized use of indorsement.
2. Information as to naturalization not to be taken.
Inquiries concerning ownership of public debt.
3. Fiscal year of corporations.
4. Enumeration; when to commence; population in cities of 10,000 inhabitants to be taken in two weeks.
5. Enumerators not resident in district; when may be appointed.
6. Enumerators of population of district to file lists with clerk of court, &c.
— to give notice of time and place for correcting errors.
— to make known to bystanders the result.
— time for return extended.
— pay; oath of office.
7. Appropriation to pay enumerators.
8. Statistics of Alaska to be collected.

Be it enacted, &c.

The census—
1879, March 3, ch. 195.

Mail matter for, to pass free; penalty for unauthorized use of indorsement.
1879, March 3, ch. 195, § 16.

[SECTION 1], That all mail matter of whatever class, relative to the census and addressed to the Census Office, to the Superintendent, his chief clerk, supervisors or enumerators, and indorsed, "Official business, Department of the Interior, Census Office", shall be transported free of postage; and if any person shall make use of any such indorsement to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor, and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

Information as to naturalization not to be taken.

SEC. 2. That the seventeeth section of an act entitled "An act to provide for the taking of the tenth and subsequent censuses" be amended by striking out so much thereof as provides that schedule one contain an inquiry as to the naturalization of foreign-born persons, and that schedule four contain an inquiry relating to the ownership of the public debt of the United States, by whom owned, and the respective amounts:

Inquiries concerning ownership of public debt.
R. S., § 2206, Sched. 1, 4.
1879, March 3, ch. 195, § 17.

Provided, That the Superintendent of the Census shall collect and collate, as far as possible, by experts and agents and from officers of the government, information in relation to the ownership of the public debt of the United States.

Fiscal year of corporations.
1879, March 3, ch. 195, § 17.

SEC. 3. That section seventeen of the act aforesaid be so amended as to allow the report which the Superintendent of the Census is required to obtain from railroad corporations, incorporated express companies, telegraph companies, and insurance companies to be made for the fiscal year of the incorporation or company having its termination nearest to the first of June, eighteen hundred and eighty.

Enumeration; when to commence. Population in certain cities to be taken in two weeks.
1879, March 3, ch. 195, § 19.

SEC. 4. That section nineteen of the aforesaid act shall be amended so as to require the enumeration to commence upon the first day of June, eighteen hundred and eighty, and further so as to require that the enumeration of population in cities having over ten thousand inhabitants shall be taken within two weeks from the first day of June, eighteen hundred and eighty.

Enumerator not resident in district; when may be appointed.
1879, March 3, ch. 195, § 5.

SEC. 5. That section five of the act aforesaid shall be amended so as to allow that in case it shall occur in any enumeration district that no person qualified to perform and willing to undertake the duties of enumerator resides in that district, the supervisor may appoint any fit person, resident in the county, to be the enumerator of that district.

Enumerator of population of district to file lists with clerk of court, &c.
1879, March 3, ch. 195, § 9.

SEC. 6. That section nine of the act aforesaid be, and the same hereby is, so amended as to require each enumerator, immediately after completing the enumeration of the population of his district and before forwarding the same to the supervisor, to make and file in the office of the clerk of the county court or in the office of the court or board administering the affairs of the county to which his district belongs a list of the names, with age, sex, and color, of all persons enumerated by him, which he shall certify to be true, and for which he shall be paid at the rate of ten cents for each one hundred names.

He shall give notice by written advertisement at three or more public places in his district that he will be at the court house of said county on the fifth day after filing said list, not including Sunday, from nine o'clock ante meridian to six o'clock post meridian and the following day for the purpose of correcting his enumeration by striking out or adding the designation of persons improperly enumerated or omitted; and on the days so designated he shall, in accordance with said notice, proceed to correct, on such reliable information as he may obtain, all omissions and mistakes in such enumeration, and to that end he may swear and examine witnesses, who shall testify subject to the pains and penalties of perjury.

Enumerators: to give notice of time and place for correction of errors, &c.

The result of such inquiry for correction and the whole number of persons by him enumerated, he shall make known to the bystanders, if any.

—to make known to bystanders the result.

And the time given enumerators by said act to make return to supervisors is hereby extended fifteen days.

—time for return extended. 1879, March 3, ch. 195, § 19.

And each enumerator shall be paid for his services in correcting his schedule of inhabitants as required by this act a sum to be fixed by the Superintendent of Census, in no case to exceed two dollars and fifty cents per day.

—pay. 1879, March 3, ch. 195, § 10.

And that the oath of office prescribed by section seven of said act be so amended as to authorize and require the making and filing the list of inhabitants as required by this act.

—oath of office amended. 1879, March 3, ch. 195, § 7.

SEC. 7. That to pay the enumerators for the additional services required by this act, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated.

Appropriation to pay enumerators. 1879, March 3, ch. 195, § 20.

SEC. 8. The Superintendent of Census shall collect and publish the statistics of the population, industries resources of the district of Alaska, with such fullness as he may deem expedient, and as he shall find practicable under the appropriations made, or to be made, for the expenses of the tenth census. [*April* 20, 1880.]

Statistics of Alaska to be collected.

CHAPTER 58.

AN ACT TO PROVIDE FOR THE ESTABLISHING OF TERMS OF COURT IN THE DISTRICT OF COLORADO.

April 20, 1880.
21 Stat. L., 76.

SECTION
1. In Colorado, circuit and district courts; when and where to be held.
2. Summons and attendance of jurors.
3. Records of district court in divisions to be kept by clerk of district court.

SECTION
Jurisdiction of district court.
Pending actions in southern and western divisions.
4. Repeal of former act.

Be it enacted, &c.

In Colorado, circuit and district courts; when and where to be held. 1876, June 26, ch. 147, § 1. 1879, Feb. 15, ch. 82.

[SECTION 1], That terms of the circuit and district courts of the United States for the district of Colorado shall be held at the times and places hereinafter designated, namely:

At Denver, on the first Tuesday in May and the first Tuesday in October in each year;

At Pueblo, on the first Tuesday in March in each year;

At Del Norte, on the first Tuesday in September in each year.

Summons and attendance of jurors.

SEC. 2. Whenever the terms of the said circuit and district courts shall be held at the same time and place, grand and petit jurors summoned to attend in either of said courts may serve in the other of said courts, and but one grand or petit jury shall be summoned to attend on said courts at one and the same time;

But this provision shall not prevent either of said courts from procuring the attendance of several panels of jurors successively, as the business of the courts may require.

Records of district court in divisions to be kept by clerk of district court.

SEC. 3. The records of the district court in the several divisions of the district of Colorado, as declared by the act approved February fifteenth, eighteen hundred and seventy-nine, entitled "An act to provide for holding terms of the circuit and district courts in the district of Colorado", shall be kept and retained in the clerk's office of the district court of Colorado;

Jurisdiction of district court.

And the district court sitting at the places mentioned in this act respectively, shall have jurisdiction of actions, civil and criminal, heretofore brought and now pending at any such place.

Pending actions in southern and western divisions.

Actions, suits, and proceedings pending and undetermined in the district court for the southern and western divisions, as declared by said act, of which a circuit court has jurisdiction exclusive of the district court, may be certified into the circuit court sitting at the same place, for further proceedings therein and for final hearing or trial thereof.

Repeal of act of 1879, Feb. 15, ch. 82.

SEC. 4. The act mentioned in the last section is repealed, but such repeal shall not affect the power of the courts to proceed according to the terms thereof in any action, suit, or proceeding now pending therein and undetermined, or according to the terms of this act. [*April* 20, 1880.]

CHAPTER 60.

April 23, 1880.

21 Stat. L., 77.

AN ACT TO PROVIDE FOR CELEBRATING THE ONE HUNDREDTH ANNIVERSARY OF THE TREATY OF PEACE AND THE RECOGNITION OF AMERICAN INDEPENDENCE BY HOLDING AN INTERNATIONAL EXHIBITION OF ARTS, MANUFACTURES, AND THE PRODUCTS OF THE SOIL AND MINE, IN THE CITY OF NEW YORK, IN THE STATE OF NEW YORK, IN THE YEAR EIGHTEEN HUNDRED AND EIGHTY-THREE.

SECTION

1. Centennial international exhibition to be held in New York in 1883.
2. Commissioners and incorporators, and their duties and powers.
3. — incorporation of.
4. Appointment of commissioners by President.
Alternate commissioners and their duty.
5. Commission, where to meet; may make rules, &c.
6. — to submit to Congress date for opening exhibition and requisite customs regulations.
7. President to make proclamation.
8. Capital stock.
— holders of, entitled to vote.
Proceeds of stock sold, and receipts; how used.
Corporation to keep minutes of proceedings.
9. First meeting of; how called; subscription to stock; election of officers.
10. Meeting of shareholders and election of finance committee.
— who may vote at.
Commission to transfer money, &c., to finance committee; and may require bonds.
11 Committee of finance; duties.
— may open books for further subscription.
12. Terms of office and election of members of commission and of finance committee.
— members may be re-elected.
Vacancies in finance committee and in commission.
13. Commission to classify exhibits, appoint judges and other officers.
— may elect executive committee.
14. — may issue bonds.
15. Certificate of stock; how prepared, &c.
United States not liable for debts.
Contracts subject to laws of States.
Stockholders not personally liable for debts.
16. At close, corporation to dispose of property, &c.
— commission to make report of financial results.
17. Other reports by commission.
18. Corporation to exist only till January, 1885.
19. United States not liable for any acts of commission or its officers.
20. Act may be altered.
Appointment or acceptance of commissioners not required.
21. Stock to be subscribed and part payment made before corporation acts.
— not to be withdrawn, &c.

Be it enacted, &c.

Centennial international exhibition to be held in New York in 1883.

[SECTION 1], That in celebration of the one hundredth anniversary of the treaty of peace and the recognition of American Independence, an international exhibition of arts, manufactures, and products of the soil and mine, be held under the direction of the United States Internation Commission, a corporation to be created by this act, in the city of New York, in the State of New York, in the year eighteen hundred and eighty-three, to be continued so long as shall be in its judgment advantageous, subject to the provisions hereinafter contained and subject always to the supervision and under the auspices of the Government of the United States.

Commissioners and incorporators.

SEC. 2. That a commission, to consist of two commissioners from each State and one from each Territory of the United States, and one from the District of Columbia, together with the members of the committee of finance, as provided in section ten, and the following named persons, to wit, Hugh J. Jewett, Edwin D. Morgan, William Hoyt, Henry G.

Commissioners.

Stebbins, Marshall O. Roberts, Hugh McCulloch, James F. Wenman, William A. Cole, Thomas Barbour, William H. Guion, George J. Forrest, John T. Agnew, Thurlow Weed, Samuel A. Haines, Thomas McElrath, Frederick A. P. Barnard, John P. Newman, J. Pierpont Morgan, John P. Townsend, Alfred M. Hoyt, Lewis A. Sayre, Charles Lanier, William H. C. Price, William R. Garrison, Frederick L. Talcott, Winfield S. Hancock, Algernon S. Sullivan, Samuel Sloan, Cyrus W. Field, Rosewell G. Rolston, Edward Auchincloss, George W. Debevoise, James How, Benjamin A. Willis, Albert Tilt, Jordan L. Mott, Charles K. Graham, George R. Blanchard, Charles H. Baldwin, Mortimer C. Addoms, Samuel L. M. Barlow, Charles Schlesinger, Edward N. Dickerson, Thomas Rutter, J. Trumbull Smith, Frederick A. Potts, James Talcott, Edwards Pierrepont, Uriah Welch, Asahel N. Brockway, Rufus Hatch, William L. Strong, Henry F. Vail, Charles Wager Hull, Lewis May, John M. Cornell, Cornelius H. Delamater, Franklin Edson, George T. Hope, Joseph J. O'Donohue, Charles Place, John A. Hardenbergh, Douglass Taylor, Peter Bowe, Stephen Hoe, Edward Cooper, Oswald Ottendorffer, Edward L. Carey, John Bigelow, Patrick O. Reilly, Calvert Vaux, Gustave H. Schwab, John Riley, Thomas J. Carleton, Frederick W. Whittemore, Charles L. Tiffany, John A. Stewart, Abram S. Hewitt Daniel F. Appleton, David Dows, Orestes Cleveland, Horace Porter, Henry M. Alexander, Fletcher Harper, Charles G. Francklyn, Thomas C. Acton, Richard M. Hoe, Jackson S. Schultz, Edward Clark, Norvin Green, William B. Dinsmore, Dennis C. Wilcox, Benjamin B. Sherman, Samuel B. H. Vance, Samuel D. Babcock, Henry Hilton, Andrew H. Green, Robert Gordon, Allen Campbell, Samuel B. Parsons, Francis A. Stout, J. Peabody Wetmore, John R. Voorhies, Leighton Williams, George G. Haven, Stephen O'Brien, Charles Solomons, Henry Draper, Philip Collins, is hereby constituted, to be designated as the United States International Commission, whose functions shall continue until the close of the exhibition, whose duty it shall be, among other things, to fix the precise date of, and to prepare for and to superintend the holding of, the exhibition upon a site within the corporate limits of the said city of New York.

—duties and powers of.

Incorporation of

SEC. 3. That the said United States International Commission is hereby created a body corporate, and by that name shall have a corporate existence, until the object for which it is formed shall have been accomplished, and as such it shall be competent for it to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity in the United States, and may make and have a corporate seal, and may purchase, take, have, and hold, and may grant, sell, and at pleasure dispose of all such real and personal estate as may be required in order to carry into effect the provisions of this act.

Appointment of commissioners by President.

SEC. 4. That said commissioners, two for each State and one from each Territory and the District of Columbia, shall be appointed within sixty days from the passage of this act, by the President of the United States, on the nomination of the governors of the States and Territories respectively, and by the President from the District of Columbia;

Alternate commissioners and their duties.

And in the same manner and within the same time there shall be appointed two alternate commissioners from each State and one from each Territory of the United States and the District of Columbia, as provided in section two, who shall assume and perform the duties of such commissioner or commissioners as may be unable to attend the meetings of the said commission.

Commission, where to meet; may make rules, &c.

SEC. 5. That the said United States International Commission shall hold its meetings in the city of New York, and that a majority of members present at the first meetings provided for in section nine shall be competent for the transaction of business, and the commission shall indicate by by-law the number requisite thereafter for a quorum.

The commission shall have full power to make all needful rules for its government, and to appoint such officers as in its judgment shall be advisable.

Commissioners to submit to Congress date for opening exhibition and requisite customs regulations.

SEC. 6. That the said commission shall submit to Congress for their consideration at the first session after the appointment of commissioners, as herein provided, a suitable date for opening and closing the exhibition; a schedule of appropriate ceremonies for opening and dedicating the same; the requisite custom-house regulations for the introduction into this country of any articles from foreign countries intended for exhibition, and such other matters as in their judgment may be important.

President to make proclamation.

1881, March 1, Res. No. 22.

SEC. 7. That whenever the President of the United States shall be informed by the governor of the State of New York that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control of the grounds and buildings by the corporation herein provided for, the President, if after due examination he shall deem the preparations adequate, shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and close, and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations, copies of the same, together with such regulations as may be adopted by the commission, for publication in their respective countries, and shall in behalf of the government and people commend the exhibition to all foreign nations who may choose to take part therein.

Capital stock.

SEC. 8. That the said commission shall have authority and is hereby empowered to receive subscriptions of capital stock to an amount not exceeding twelve millions of dollars, to be divided into shares of ten dollars each, and each subscriber shall pay not less than ten per cent of his subscription at the time he subscribes; and said commission shall issue to the subscribers of the stock certificates therefor, under its corporate seal, which certificates shall bear the signature of its president, secretary, and treasurer, and be transferable under such rules and regulations as may be prescribed for the purpose.

—holders of, entitled to vote.

All holders of said stock shall be entitled to one vote on each share in the election of a finance committee, to be elected as hereinafter provided.

Proceeds of stock sold and receipts; how used.

The proceeds of said stock, together with the receipts from any and all other sources, shall be used by said corporation for the erection of suitable buildings, with their appropriate and necessary fixtures and appurtenances, and for all other expenditures required in carrying out the objects of this act.

Corporation to keep minutes of proceedings.

And the said corporation shall keep regular minutes of its proceedings and full accounts with the vouchers thereof, and the same shall always be open to the inspection of any member or shareholder in the corporation, or to any committee appointed by such members or shareholders authorized to examine the same.

First meeting of; how called; subscription to stock; election of officers.

SEC. 9. That the United States International Commission shall be called together by the Secretary of State of the United States in the city of New York as soon as convenient after the appointment of the commissioners as herein directed, and it shall then be their duty to open books for subscription to the capital stock, as herein provided, giving public notice of the time and place, and the terms upon which subscriptions may be made, and such books shall be kept open during sixty days, at the end of which time the members of said commission shall be called together by public notice by the president and secretary pro tempore of the same, for the election of permanent officers of said commission, to consist of a president, secretary, treasurer, and such other officers as said commission may designate, from among the members thereof; said election of officers to take place immediately after the election of the members of the committee of finance herein provided for.

Meeting of shareholders and election of finance committee.

SEC. 10. The first meeting of the shareholders shall be called at the same time and in the same manner as provided for in the last section, and shall proceed to the election of twenty-five from their number, or from the members of the commission, who, when elected, shall, if not already so appointed, be ex officio members of said commission, and who,

together with the executive officers of said commission, shall constitute a committee of finance.

Meeting of stockholders: who may vote at.

In this election each subscriber shall be entitled to a vote for each share subscribed for, on which at least ten per centum in cash shall have been previously paid, under such regulations as may be prescribed by said commission.

Commission to transfer moneys, &c., to finance committee; and may require bonds.

Upon the organization of said committee of finance, said commission shall transfer to it the stock-books and moneys collected, together with all papers and business pertaining to the receiving and collecting of subscriptions of stock, and shall furnish to said committee a full statement of all its financial transactions up to that date;

And the commission may require good and sufficient security from all its collecting and disbursing agents, including those of the finance committee.

Committee of finance; duties.

SEC. 11. It shall be the duty of the committee of finance so elected to select suitable depositories for the deposit of all moneys received for said commission; to devise methods for raising funds for the commission with which to carry out the provisions of this act; to confer and advise with the commission as to all contracts to be made involving the expenditure of moneys; to carefully audit all accounts; to recommend a system of checks and safeguards, with a view of enforcing economy and efficiency in the financial administration of the said commission, and to make full reports to the commission at least once in every three months.

—may open books for further subscriptions.

It shall also be the duty of said committee of finance, from time to time, as occasion may require, to open the books for further subscriptions to the capital stock, and take all measures that are needful to secure a collection of the same, using, if necessary, the name of the commission for the purpose, but the moneys so collected shall at all times be subject to control of the commission.

Term of office and election of members of commission and of finance committee.

SEC. 12. That the officers of said commission and the members of said committee of finance shall hold their respective positions for the term of one year from the day of their election, before the expiration of which time and for each year during which the commission shall exist a new election shall be held at such time and place as said commission shall designate by due public notice, and in the mode following, to wit: the members of the committee of finance shall first be elected by the shareholders, immediately after which the commission shall proceed to the election of its officers.

—members may be re-elected.

Any person elected as a member of said committee of finance or an officer of said commission shall be eligible to re-election.

Vacancies in finance committee and in commission.

Said commission shall have power at any time to fill any vacancy occurring among the officers, and said shareholders shall have like power to fill any vacancy occurring in the members of said committee of finance, and said commission shall also have the power of removing any officer for cause. Vacancies in the commission may be filled in the same manner as provided herein for the original appointment, and vacancies occurring in the place of the commissioners named in this act shall be filled by the said commission.

Commission to classify exhibits, appoint judges and other officers.

SEC. 13. That the United States International Commission shall prepare a complete classification of exhibits, and shall appoint all judges and examiners, guards and other subordinate officers of the exhibition, and award all premiums, and generally have charge of all intercourse with the representatives of foreign nations.

—may elect executive committee.

It may, at any regular meeting, elect an executive committee, which, in the absence of the commission, shall have full power to act in its stead until its next meeting.

—may issue bonds

SEC. 14. That the corporation hereby created shall have authority to issue bonds not in excess of the amount actually paid in upon its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property, and income, present and prospective.

Certificates of stock; how prepared, &c.

SEC. 15. That it shall be the duty of the Secretary of the Treasury of the United States, as soon as practicable, after the passage of this

act, to cause to be prepared, at the cost of the said commission, in accordance with a design approved by the United States International Commission and the Secretary of the Treasury, a sufficient number of certificates of stock to meet the requirements of this act;

And any person found guilty of counterfeiting, or attempting to counterfeit or knowingly circulating false certificates of stock, herein authorized, shall be subject to the same pains and penalties as are or may be provided by law for counterfeiting United States notes;

United States not liable for debts incurred.

But nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim by the United States International Commission for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said commission:

Contracts subject to laws of States.

And provided, That nothing in this act shall be so construed as to override or interfere with the laws of any State; and all contracts made in any State for the purposes of the international exhibition shall be subject to the laws thereof:

Stockholders not personally liable for debts.

And provided further, That no member of said corporation, whether shareholder or otherwise, shall be personally liable for any debt or obligation which may be created or incurred by the United States International Commission.

At close, corporation to dispose of property, &c.

SEC. 16. That as soon as practicable after the said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders, pro rata, in full satisfaction and discharge of its capital stock.

—commission to make report of financial results.

And it shall be the duty then of the United States International Commission to submit, in a report to the President of the United States, the financial results of the international exhibition.

Other reports by commission.

SEC. 17. That it shall be the duty of the United States International Commission to make report, from time to time, to the President of the United States of the progress of the work, and, in a final report, present a full exhibit of the results of the United States International Exhibition.

Corporation to exist only to January, 1885.

SEC. 18. The corporation hereby authorized shall exist no longer than until the first day of January eighteen hundred and eighty-five.

United States not liable for any acts of commission or its officers, &c.

SEC. 19. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, proceedings, or representations of the said commission, its officers, agents, servants, or employees, or any of them, or for the services, salaries, labors, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any certificates of [of] stock, bonds, mortgages, or obligations of any kind issued by said commission, or for any debts, liabilities, or expenses of any kind whatever attending such commission or exhibition, or accruing by reason of the same.

Act may be altered.

SEC. 20. Congress may at any time alter, amend or repeal this act, as in its judgment the public good shall require:

Appointment or acceptance of commissioners not required.

Provided, That nothing in this act contained shall be construed to require the governor of any state to appoint the commissioners provided for in section two, nor shall said commissioners or any of them incur any liability for their failure or refusal to accept such position or perform the duties thereof

Stock to be subscribed and part payment made before corporation acts.

SEC. 21. Not less than one million of dollars shall be subscribed and not less than ten per centum thereof shall be paid in before said corporation shall do any corporate act other than the acts necessary to its organization.

--not to be withdrawn, &c.

And no part of the capital stock or assets of said corporation shall be withdrawn by, refunded to, or divided among the stockholders or any of them, until all the debts and liabilities of said corporation shall be fully discharged. [*April* 23, 1880.]

CHAPTER 61.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE REMOVAL OF CERTAIN INDIANS IN NEW MEXICO", APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

April 23, 1880.
21 Stat. L., 81.

Removal of Apaches at Cimarron to New Mexico; repeal of former provisions as to removal, &c.

Be it enacted, &c., That the proviso to the act approved June twentieth, eighteen hundred and seventy-eight, making an appropriation for the removal of the band of Apaches at Cimarron, New Mexico, to the Mescalero Apache Reservation at Fort Stanton, New Mexico, requiring the removal of said Indians within thirty days after the passage of the act, and forbidding the issue of rations and annuities to said Indians, except at the Mescalero Apache Agency, New Mexico, be, and the same is hereby, repealed, and the Secretary of the Interior is authorized and directed to issue to said Indians their supplies and annuities at the Abiquiu Agency, New Mexico. [*April* 23, 1880.]

Removal of Apaches at Cimarron to New Mexico.
Repeal of former provisions as to removal in thirty days and issue of rations only in New Mexico.
1878, June 20, ch. 359, § 1, par. 16.

CHAPTER 71.

AN ACT FOR THE ESTABLISHMENT OF A LAND-OFFICE IN THE TERRITORY OF MONTANA.

April 30, 1880.
21 Stat. L., 81.

SECTION
1. Yellowstone land district in Montana established, with land-office at Miles City.
2. Register and receiver for.

Be it enacted, &c.

[SECTION 1], That all that portion of the Territory of Montana which lies east of the twenty-seventh range east of the principal meridian which is not now or hereafter may be included in any Indian reservation, be, and the same is hereby, designated as the district of the Yellowstone, and constituted a separate land district, with a United States land-office at Miles City, within said district.

Yellowstone land district in Montana established, with land-office at Miles City.
R. S., § 2256, 2d ed., p. 413.

SEC. 2. The President shall appoint a register and receiver for said office, who shall be entitled to such compensation as is now provided by law, which compensation shall be paid from the fund appropriated for such purposes. [*April* 30, 1880.]

—register and receiver for.
R. S., § 2234.

CHAPTER 73.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

May 3, 1880.
21 Stat. L., 86.

In Navy rations, Secretary of Navy may substitute desiccated tomatoes for desiccated potatoes.

Be it enacted, &c., * * *

That the Secretary of the Navy may substitute for the ration of "two ounces of desiccated potatoes" six ounces of desiccated tomatoes if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the government than the present ration, provided the same shall be acceptable to the men.

In Navy rations, Secretary of Navy may substitute desiccated tomatoes for desiccated potatoes.
R. S., § 1580.

In the event the Secretary of the Navy orders such substitution he is authorized to have sold at public auction any desiccated potatoes on hand, the proceeds of which sale shall be used in the purchase of desiccated tomatoes for the use of the Navy.

* * * * * * *

[*May* 3, 1880.]

CHAPTER 81.

May 4, 1880.
21 Stat. L., 111.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

In Army, 10 per cent. to be added to cost of stores sold to officers and men.
—except subsistence supplies to companies, &c., and tobacco.

In Army, 10 per cent. to be added to cost of stores sold to officers and men.
R. S., §§ 1144, 1145.
1879, June 23, ch. 35, § 1.
1881, Feb. 24, ch. 79, § 1, par. 2.
—except subsistence supplies to companies, &c., and tobacco.

Be it enacted, &c. * * *

That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section one thousand one hundred and forty-nine of the Revised Statutes, ten per centum shall be added to cover wastage, transportation, and other incidental charges, save that subsistence supplies may be sold to companies, detachments, and hospitals at cost prices, not including cost of transportation, upon the certificate of an officer commanding a company or detachment, or in charge of a hospital, that the supplies are necessary for the exclusive use of such company, detachment, or hospital.

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[*May* 4, 1880.]

CHAPTER 84.

May 8, 1880.
21 Stat. L., 114.

AN ACT TO AUTHORIZE THE SALE OF FORT LOGAN, MONTANA TERRITORY, AND TO ESTABLISH A NEW POST ON THE FRONTIER.

SECTION
1. Military post to be established at or near Mussel Shell River, Montana.
SECTION
2. Fort Logan reservation in Montana to be sold, &c.

Be it enacted, &c.

Military post to be established at or near Mussel Shell River, Montana.

[SECTION 1], That the Secretary of War be and he is hereby authorized and empowered to establish a new military post at or near the Mussel Shell River in the Territory of Montana, as he may deem best for the protection of the frontier from Indian incursions: *Provided*, The total cost of the same shall not exceed the sum of fifty thousand dollars.

Fort Logan reservation in Montana to be sold, &c.

SEC. 2. The Secretary of War is hereby authorized and directed, after due notice, to sell at public auction or otherwise dispose of in parcels or otherwise, as he may deem most advantageous to the government, the site, reservation and buildings of Fort Logan, Montana Territory, and re-invest the proceeds of such sale in the erection of the post authorized by the first section of this act:

Provided, That such portion of said buildings, or of the materials thereof, as can be profitably removed to said new post, may be reserved from sale and so removed. [*May* 8, 1880.]

CHAPTER 85.

May 11, 1880.
21 Stat. L., 131, 132.

AN ACT MAKING APPROPRIATIONS FOR THE CURRENT AND CONTINGENT EXPENSES OF THE INDIAN DEPARTMENT, AND FOR FULFILLING TREATY STIPULATIONS WITH VARIOUS INDIAN TRIBES, FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

SECTION
1. *Par.* 1. Secretary of Interior may purchase articles made at Indian training schools.
Par. 2. Limitation of annual expenditures at Indian agencies not to apply to sums paid teachers and Indians.
4. Indians not to be granted permits to go into Texas; officers liable to dismissal for violation.
SECTION
—Secretary of Interior to prevent Indians going there.
6. Secretary of Treasury to place semi-annual interest to credit of L'Anse and Vieux de Sert bands of Chippewas.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

Secretary of Interior may purchase articles made at Indian training schools.
R. S., § 2083.

[*Par.* 1.] That the Secretary of the Interior be, and he is hereby, authorized, whenever it can be done advantageously, to purchase for use in the Indian service, from Indian manual and training schools, in the manner customary among individuals such articles as may be manufactured at such schools, and which are used in the Indian service. Accounts of such transactions shall be kept in the Indian Bureau and in the training schools, and reports thereof made from time to time.

* * * * * * *

Limitation of annual expenditures at Indian agencies not to apply to sums paid teachers and Indians.
1875, March 3, ch. 132, § 5.

[*Par.* 2.] That teachers and Indians employed at agencies in any capacity shall not be construed as part of agency employees named in section five of the act making appropriations for the Indian service for the fiscal year ending June thirtieth, eighteen hundred and seventy-six, approved March third, eighteen hundred and seventy-five.

* * * * * * *

Indians not to be granted permits to go into Texas; officers liable to dismissal for violation.

SEC. 4. * * * *And provided further*, That all officers and agents of the Army and Indian Bureaus are prohibited, except in a case specially directed by the President, from granting permission in writing or otherwise to any Indian or Indians on any reservation to go into the State of Texas under any pretext whatever; and any officer or agent of the Army or Indian Bureau who shall violate this provision shall be dismissed from the public service.

—Secretary of Interior to prevent Indians going there.

And the Secretary of the Interior is hereby directed and required to take at once such other reasonable measures as may be necessary in connection with said prohibition to prevent said Indians from entering said State.

* * * * * * *

Secretary of Treasury to place semi-annual interest to credit of L'Anse and Vieux de Sert bands of Chippewas.
R. S., § 3659.
1874, June 22, ch. 388, par. 2.
1876, June 10, ch. 122.
1880, April 1, ch. 41.

SEC 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed, semi-annually, to place to the credit of the L'Anse and Vieux de Sert bands of Chippewas, of Lake Superior, under the provisions of the act entitled "An act to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment", approved April first, eighteen hundred and eighty, interest upon twenty thousand dollars, being the unexpended balance of money belonging to the said Indians appropriated under the provisions of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the government for the fiscal years ending June thirtieth, eighteen hundred and seventy-three and eighteen hundred and seventy-four, and for other purposes", approved June twenty-second, eighteen hundred and seventy-four, and now to their credit on the books of the Treasury, said unexpended balance and interest thereon to be applied as provided in said act. [*May* 11, 1880.]

CHAPTER 89.

AN ACT FOR THE RELIEF OF SETTLERS ON PUBLIC LANDS.

May 14, 1880.
21 Stat. L., 140.

SECTION
1. When claimant files relinquishment of claim, land open to entry.
2. In case of cancellation of entry, contestant to be notified.
3. Settlers on public lands allowed time to file homestead applications.

Be it enacted, &c.

When claimant files relinquishment of claim, land open to entry.
R. S., §§ 2257–2288.
R. S., §§ 2289–2317, 2464–2668. 1878, June 14, ch. 190.

[SECTION 1], That when a pre-emption, homestead, or timber-culture claimant shall file a written relinquishment of his claim in the local land-office, the land covered by such claim shall be held as open to settlement and entry without further action on the part of the Commissioner of the General Land Office.

In case of cancellation of entry, contestant to be notified.

SEC. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any pre-emption, homestead, or timber-culture entry, he shall be notified by the register of the land-office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands:

Provided, That said register shall be entitled to a fee of one dollar for the giving of such notice, to be paid by the contestant, and not to be reported.

Settlers on public lands allowed time to file homestead applications. R. S., §§ 2289-2317.

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States land-office as is now allowed to settlers under the pre-emption laws to put their claims on record, and his right shall relate back to the date of settlement, the same as if he settled under the pre-emption laws. [*May* 14, 1880.]

CHAPTER 95.

May 18, 1880.

21 Stat. L., 141.

AN ACT TO ABOLISH ALL TOLLS AT THE LOUISVILLE AND PORTLAND CANAL.

Tolls not to be charged on Louisville and Portland Canal. | Expenses; how paid.

Tolls not to be charged on Louisville and Portland Canal.

Expenses; how paid. R. S., § 5255. 1874, May 11, ch. 165, § 3. 16 Opin. Att'y-Gen., 557.

Be it enacted, &c., That after the first day of July, eighteen hundred and eighty, no tolls shall be charged or collected at the Louisville and Portland Canal, but the Secretary of War shall be authorized to draw his warrant from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said canal in repair. [*May* 18, 1880.]

CHAPTER 100.

May 24, 1880.

21 Stat. L., 141.

AN ACT TO CREATE AN ADDITIONAL LAND DISTRICT IN THE STATE OF KANSAS.

SECTION
1. Northern land district in Kansas.
2. Register and receiver.

Be it enacted, &c.

Northern land district in Kansas. R. S., § 2256, 2d ed., p. 409.

[SECTION 1], That all that portion of the northwestern land district in the State of Kansas, lying and being situated west of the third guide meridian west of the sixth principal meridian, be, and hereby is, constituted a new land district, to be called the northern land district.

—register and receiver for. R. S., §§ 2234-2247.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for said district, who shall discharge like and similar duties, and receive the same amount of compensation allowed to other officers discharging like duties in the other land-offices of said State. [*May* 24, 1880.]

CHAPTER 105.

May 27, 1880.

21 Stat. L., 142.

AN ACT TO CONSTRUE AND DEFINE "AN ACT TO CEDE TO THE STATE OF OHIO THE UNSOLD LANDS IN THE VIRGINIA MILITARY DISTRICT IN SAID STATE", APPROVED FEBRUARY EIGHTEENTH, EIGHTEEN HUNDRED AND SEVENTY-ONE, AND FOR OTHER PURPOSES.

SECTION
1. Act ceding to Ohio certain lands in Virginia district defined as not including surveyed lands, &c.
2. Surveys returned to land office by March 3, 1857, declared valid.
3. Officers and soldiers of Virginia line have three years to perfect land title.
4. Grant to Ohio Agricultural and Mechanical College not interfered with.

Be it enacted, &c.

Act ceding to Ohio certain lands in Virginia district defined as not including surveyed lands, &c. 1871, ch. 56 (16 Stat. L., 416).

[SECTION 1], That the act ceding to the State of Ohio the lands remaining "unsurveyed and unsold" in the Virginia military district, in the State of Ohio, had no reference to lands which were included in any survey or entry within said district founded upon military warrant or warrants upon Continental establishment; and the true intent and meaning of said act was to cede to the State of Ohio only such lands as were unappropriated, and not included in any survey or entry within said district, which survey or entry was founded upon military warrant or warrants upon Continental establishment.

Surveys returned to land office by March 3, 1857, declared valid.

SEC. 2. That all legal surveys returned to the land office on or before March third, eighteen hundred and fifty-seven, on entries made on or before January first, eighteen hundred and fifty-two, and founded on unsatisfied Virginia military Continental warrants, are hereby declared valid.

Officers and soldiers of Virginia line to have three years to perfect land title.

SEC. 3. That the officers and soldiers of the Virginia line on Continental establishment, their heirs or assigns, entitled to bounty-lands, which have, on or before January first, eighteen hundred and fifty-two, been entered within the tract reserved by Virginia, between the Little Miami and Sciota Rivers, for satisfying the legal bounties to her officers and soldiers upon Continental establishment, shall be allowed three years from and after the passage of this act to make and return their surveys for record to the office of the principal surveyor of said district, and may file their plats and certificates, warrants, or certified copies of warrants, at the General Land Office, and receive patents for the same.

Grant to Ohio Agricultural, &c., College not interfered with. 1871, Feb. 18, ch. 56 (16 Stat. L., 416).

SEC. 4. This act shall not in any way affect or interfere with the title to any lands sold for a valuable consideration by the Ohio Agricultural and Mechanical College, grantee, under the act of February eighteenth, eighteen hundred and seventy-one. [*May* 27, 1880.]

CHAPTER 106.

AN ACT TO AMEND AND RE-ENACT SECTIONS TWENTY-FIVE HUNDRED AND FIFTY-TWO AND TWENTY-FIVE HUNDRED AND FIFTY-THREE OF THE REVISED STATUTES.

May 27, 1880.

21 Stat. L., 143.

SECTION
1. Yorktown, Va., a port of entry, and East River and Cumberland ports of delivery.
2. Richmond, Va., a port of entry; what to include.
3. Collector, deputy collector, and surveyors for.

Be it enacted, &c.

Yorktown, Va., a port of entry, and East River and Cumberland ports of delivery. R. S., § 2552, par. 4.

[SECTION 1], That paragraph four of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read:

The district of Yorktown: To comprise all the waters and shores from the point forming the south shore of the mouth of the Rappahannock River, and from the mouth of York River to Cappahoosic, in which Yorktown shall be the port of entry, and East River and Cumberland ports of delivery"

Richmond, Va., a port of entry; what to include. R. S., § 2552, par. 7.

SEC. 2. And that paragraph seventh of section twenty-five hundred and fifty-two of the Revised Statutes be, and the same is hereby, amended so that it shall read:

"The district of Richmond: To comprise all the waters and shores of the James River, from its junction with the Appomattox River to the highest tide-waters of the James River, and all the waters and shores of the York River from Cappahoosic to its head, and the waters and shores of the Pamunkey and Mattaponi Rivers, to the highest tide-waters in said rivers, in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundreds, and to West Point, at the head of York River."

—collector, deputy collector, and surveyors for. R. S., § 2553, par. 7.

SEC. 3. And that paragraph seventh of section twenty-five hundred and fifty-three of the Revised Statutes be, and the same is hereby, amended, so that it shall read:

"In the district of Richmond, a collector and a surveyor, who shall reside at Richmond; a surveyor, who shall reside at Bermuda Hundred; and a deputy-collector, who shall reside at West Point." [*May* 27, 1880.]

CHAPTER 107.

May 28, 1880.

21 Stat. L., 143.

AN ACT FOR THE RELIEF OF SETTLERS UPON THE OSAGE TRUST AND DIMINISHED-RESERVE LANDS IN KANSAS, AND FOR OTHER PURPOSES.

SECTION
1. Settlers on Osage trust lands allowed further time to make proof and pay purchase money. In case of default in payment, land forfeited and to be sold.
2. Remaining lands subject to disposal to settlers.
3. Proceedings in case of default in payment for ninety days.
4. When lands subject to taxation, &c.
5. Fees, &c., of register and receiver. Secretary of Interior to make rules.
6. Town-site laws not interfered with. — payment to be made before date of sale.
7. Interest on purchase money.

Be it enacted, &c.

Settlers on Osage trust lands allowed further time to make proof and pay purchase money.

R. S., §§ 2283, 2284.

1874, June 23, ch. 488.

1876, Aug. 11, ch. 259.

[SECTION 1], That all actual settlers under existing laws upon the Osage Indian trust and diminished reserve lands in Kansas (any failure to comply with such existing laws notwithstanding) shall be allowed sixty days after a day to be fixed by public notice by advertisement in two newspapers in each of the proper land districts, which day shall not be later than ninety days after the passage of this act, within which to make proof of their claims, and to pay one fourth the purchase price thereof, and the said parties shall pay the balance of said purchase price in three equal annual installments thereafter:

Provided, That nothing herein contained shall be construed to prevent an earlier payment of the whole or any installment of said purchase money as aforesaid.

In case of default in payment, land forfeited and to be sold.

And if default be made by any settler in the payment of any portion or installment at the time it becomes due under the foregoing provisions, his entire claim, and any money he may have paid thereon, shall be forfeited, and the land shall, after proper notice, be offered for sale according to the terms hereinafter prescribed, unless before the day fixed for such offering, the whole amount of purchase money shall be paid by said claimant, so as to entitle him to receive his patent for the tract embracing his claim.

Remaining lands subject to disposal to settlers.

SEC. 2. That all the said Indian lands remaining unsold and unappropriated and not embraced in the claims provided for in section one of this act, shall be subject to disposal to actual settlers only, having the qualifications of pre-emptors on the public lands.

Such settlers shall make due application to the register with proof of settlement and qualifications as aforesaid; and, upon payment of not less than one-fourth the purchase price shall be permitted to enter not exceeding one quarter section each, the balance to be paid in three equal installments, with like penalties, liabilities and restrictions as to default and forfeiture as provided in section one of this act.

Proceedings in case of default in payment for ninety days.

SEC. 3. All lands upon which such default has continued for ninety days shall be placed upon a list, and the Secretary of the Interior shall cause the same to be duly proclaimed for sale in the manner prescribed for the offering of the public lands, but not exceeding one quarter section shall be sold to any one purchaser, at a price not less than the price fixed by law, but such lands, upon which such default shall be made, shall be offered for sale by advertisement of not less than thirty days in two newspapers in the proper land districts respectively and unless the purchase price be fully paid before the day named in the notice, shall be sold for cash to the highest bidder at not less than the price fixed by law.

And all such lands, subject to unpaid overdue installments, shall be so offered once every year.

And if any of said lands shall remain unsold after the offering as

aforesaid, they shall be subject to private entry, for cash in tracts not exceeding one quarter section by one purchaser.

When lands subject to taxation, &c.

SEC. 4. After the payment of the first installment as hereinafter provided for, such lands shall be subject to taxation according to the laws of the State of Kansas, as other lands are or may be in said State:

Provided, That no sale of any such lands for taxes shall operate to deprive the United States, of said lands, or any part of the purchase-price thereof, but if default be made in any installment of the purchase-price as aforesaid, such tax sale purchaser, or his or her legal representatives, may, upon the day fixed for the public sale, and after such default has become final, under the foregoing provisions, pay so much of said purchase-price as may remain unpaid, and shall thereupon be entitled to receive a patent for the same as though he had made due settlement thereon:

And provided further, That nothing in this act shall be so construed as to deprive or impair the right of the settler, of the right of redemption under the revenue laws of the State of Kansas.

Fees, &c., of register and receiver.

SEC. 5. That the register and the receiver shall be allowed the same fees and commissions as are allowed by law for the disposal of the public lands, and the net proceeds of the sales and disposals after deducting the expenses of such disposals, shall be deposited to the credit of the proper Indian fund, as provided by existing laws;

Secretary of Interior to make rules.

And the Secretary of the Interior shall make all rules and regulations necessary to carry into effect the provisions of this act.

Town-site laws not interfered with.

SEC. 6. That nothing in this act shall be construed to interfere in any manner with the operation of the town-site laws as applicable to these lands:

—payment to be made before date fixed for sale.

Provided, That all claims for entry under said statutes shall be proved up and fully paid for, before the day fixed for the commencement of the public sales provided for in section three of this act.

Interest on purchase money.

SEC. 7. In all cases arising under this act interest at the rate of five per cent per annum shall be computed and paid upon all that part of the purchase money in respect to which time is given for the payment of the same. [*May* 28, 1880.]

CHAPTER 108.

AN ACT TO AMEND THE LAWS IN RELATION TO INTERNAL REVENUE

May 28, 1880.

21 Stat. L., 145.

SECTION

1. Distiller's bond; penal sum, how fixed and limited.
2. — may be given in lieu of owner's consent, notwithstanding increase of distillery.
3. Emptying and filling tubs.
4. Repeal and substitute for R. S., § 3293, &c.
Entry, &c., of spirits removed to distillery warehouse.
— what to specify.
— bond required.
Disposition of entries.
New bond may be required in case of death, insolvency, &c.
Failure to give bond, or to withdraw spirits, &c.
Excessive loss of spirits in warehouse; tax to be collected and spirits withdrawn.
Tax on spirits in distillery to be paid within three years of entry.
Condition of warehousing bonds.
5. Entry for withdrawal of spirits to specify number of packages, &c.
6. Substitute for R. S., § 3287.
Drawing off, ganging, marking, and removal of spirits to distillery warehouse.
Serial number.
Form of stamp.
7. Fermenting period; when deemed to commence.
8. Deficiency of spirits not to be assessed in case of loss by casualty, &c.
9. Provision requiring rectifiers' bonds repealed.
10. Spirits exported in casks or packages of any size entitled to drawback.
11. — may be withdrawn from warehouse in packages of any size.
12. Use for domestic liquors of casks in which foreign liquors have been imported not prohibited.
13. Penalty for making, using, &c., similar casks.
14. Distilled spirits for manufacture of preparations for export may be withdrawn from distillery warehouse without tax.
15. Allowance for leakage and loss during transportation from distillery warehouse to manufacturing warehouse.
16. Collectors to account for tax-paid stamps, receive commission, &c.; substitute for R. S., § 3214.
— to make returns, &c.
— how charged with other stamps.
— reports and books of.
— export stamp; how charged and amount due collected.
17. Spirits withdrawn from distillery or bonded warehouse may be regauged.
Allowance for leakage.
— to what extent made.
Computation of proof of spirits.
18. Manufacture of wooden stills by registered distillers for their own use not subject to special tax.
19. Repeal.

Be it enacted, &c.

Distiller's bond; penal sum, how fixed and limited. R. S., § 3260.

[SECTION 1], That section thirty-two hundred and sixty of the Revised Statutes of the United States be amended by striking out the word "double", in the fourteenth line of said section, and inserting after the word "days", in the fifteenth line of said section, the following: "But in no case shall the bond exceed the sum of one hundred thousand dollars".

— may be given in lieu of owner's consent, notwithstanding increase of distillery. R. S., § 3262. 16 Opin. Att'y-Gen., 10.

SEC. 2. That section thirty-two hundred and sixty-two of the Revised Statutes of the United States be amended by adding to the end the words following:

And provided also, That the collector may at any time, at the discretion of the Commissioner, accept such bond as is authorized to be given by the distiller in lieu of the written consent of the owner of the fee in the case of a distillery erected prior to July twentieth, eighteen hundred and sixty-eight, notwithstanding such distillery has since then been increased by the addition of land or buildings adjacent or contiguous thereto, not owned by the distiller himself in fee; such bond to be for and in respect of such addition only, if the distillery be one which the distiller owns in fee or in respect to which he has procured the written consent of the owner of the fee or other incumbrance, otherwise to be for and in respect of the entire distillery as increased by such addition."

Emptying and filling tubs. *Substitute for* R. S., § 3285.

SEC. 3. That section thirty-two hundred and eighty-five of the Revised Statutes of the United States be amended by striking out all after said number and substituting therefor the following:

"Ev[e]ry fermenting-tub shall be emptied at or before the end of the fermenting period; no fermenting-tub in a sweet-mash distillery shall be filled oftener than once in seventy-two hours, nor in a sour-mash distillery oftener than once in ninety-six hours, nor in a rum distillery oftener than once in one hundred and forty-four hours."

Repeal and substitute for R. S., § 3293. 1878, March 28, Res. No. 16, p. 386. 1879, March 1, ch. 125, § 5, in part.

SEC. 4. That the joint resolution approved March twenty-eighth, eighteen hundred and seventy-eight, be and the same hereby is, repealed; and that section thirty-two hundred and ninety-three of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out all after the said number, and substituting therefor the following:

Entry, &c., of spirits removed to distillery warehouse.

"The distiller or owner of all spirits removed as aforesaid to the distillery warehouse shall, on the first day of each month, or within five days thereafter, enter the same for deposit in such warehouse, under such regulations as the Commissioner of Internal Revenue may prescribe. Said entry shall be in triplicate, and shall contain the name of the person making the entry, the designation of the warehouse in which the deposit is made, and the date thereof, and shall be in the following form:

"ENTRY FOR DEPOSIT IN DISTILLERY WAREHOUSE.

"Entry of distilled spirits deposited by ——— ———, in distillery warehouse ———, in the ——— district, State of ———, during the month ending on the ——— day of ———, anno Domini ———.

— what to specify.

And the entry shall specify the kind of spirits, the whole number of packages, the marks and serial numbers thereon, the number of gauge or wine gallons, proof-gallons, and taxable gallons, and the amount of tax on the spirits contained in them; all of which shall be verified by the oath of the distiller or owner of the same attached to the entry.

— bond required. 99 U. S., 221.

The said distiller or owner shall at the time of making said entry give his bond in duplicate, with one or more sureties, satisfactory to the collector of the district, conditioned that the principal named in said bond shall pay the tax on the spirits as specified in the entry, or cause the same to be paid, before removal from said distillery warehouse, and within three years from the date of said entry; and the penal sum of such bond shall not be less than the amount of the tax on such distilled spirits.

One of said entries shall be retained in the office of the collector of the district, one sent to the storekeeper in charge of the warehouse, to be retained and filed in the warehouse, and one sent with duplicate of the bond to the Commissioner of Internal Revenue, to be filed in his office. Disposition of entries.

"A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency affecting its validity or impairing its efficiency, at the discretion of the Commissioner of Internal Revenue. New bond may be required in case of death, insolvency, &c.

And in case the distiller or owner fails or refuses to give the bond hereinbefore required, or to renew the same, or neglects to immediately withdraw the spirits and pay the tax thereon, or if he neglects to withdraw any bonded spirits and pay the tax thereon before the expiration of the time limited in the bond, the collector shall proceed to collect the tax by distraint, issuing his warrant of distraint for the amount of tax found to be due, as ascertained by him from the report of the gauger if no bond was given, or from the terms of the bond if a bond was given. But this provision shall not exclude any other remedy or proceeding provided by law. Failure to give bond or to withdraw spirits, &c.

"If it shall appear at any time that there has been a loss of distilled spirits from any cask or other package hereafter deposited in a distillery warehouse, other than the loss provided for in section thirty-two hundred and twenty-one of the Revised Statutes of the United States, as amended, which, in the opinion of the Commissioner of Internal Revenue, is excessive, he may instruct the collector of the district in which the loss has occurred to require the withdrawal from warehouse of such distilled spirits, and to collect the tax accrued upon the original quantity of distilled spirits entered into the warehouse in such cask or package, notwithstanding that the time specified in any bond given for the withdrawal of the spirits entered into warehouse in such cask or package has not expired. Excessive loss of spirits in warehouse; tax to be collected and spirits withdrawn.

If the said tax is not paid on demand, the collector shall report the amount due upon his next monthly list, and it shall be assessed and collected as other taxes are assessed and collected.

"That the tax on all distilled spirits hereafter entered for deposit in distillery warehouses shall be due and payable before and at the time the same are withdrawn therefrom and within three years from the date of the entry for deposit therein; Tax on spirits in distilleries to be paid within three years of entry.

And warehousing bonds hereafter taken under the provisions of section thirty two-hundred and ninety-three of the Revised Statutes of the United States shall be conditioned for the payment of the tax on the spirits as specified in the entry before removal from the distillery warehouse, and within three years from the date of said bonds." Condition of warehousing bonds.

SEC. 5. That section thirty-two hundred and ninety-four of the Revised Statutes of the United States, as amended by an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by inserting after the word "casks," in the tenth line thereof, the words "or packages," and by inserting after the word "them," in the thirteenth line thereof, the words "at the time they were deposited in the distillery warehouse; and said entry shall also specify the number of gauge or wine gallons, and of proof gallons and taxable gallons contained in said casks or packages at the time application shall be made for the withdrawal thereof". Entry for withdrawal of spirits to specify number of packages and other facts.
R. S., § 3294.
1879, March 1, ch. 125, § 5.

SEC. 6. That section thirty-two hundred and eighty-seven of the Revised Statutes of the United States as amended by an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out all after said number, and substituting therefor the following: Substitute for R. S., § 3287. 1879, March 1, ch. 125, § 5, in part.

"All distilled spirits shall be drawn from the receiving cisterns into casks or packages, each of not less capacity than ten gallons wine-measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, who shall cut on the cask or package containing such Drawing off, gauging, marking, and removal of spirits to distillery warehouse.

spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks or packages, and the particular name of such distilled spirits as known to the trade, that is to say, high-wines, alcohol, or spirits, as the case may be, shall be marked or branded on the head of such cask or package in letters of not less than one inch in length;

And the spirits shall be immediately removed into the distillery warehouse, and the gauger shall, in the presence of the storekeeper of the warehouse, place upon the head of the cask or package an engraved stamp, which shall be signed by the collector of the district and the storekeeper and gauger; and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask or package, in progressive order, as the same are received from the distillery.

Serial number.

Such serial number for ev[e]ry distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask or package deposited therein after July twentieth, eighteen hundred and sixty-eight, and no two or more casks or packages warehoused at the same distillery shall be marked with the same number.

Form of stamp.

The said stamp shall be as follows:

"Distillery-warehouse stamp No. —. Issued by ——— ———, collector, ——— district, State of ———, distillery warehouse of ——— ———, 18—, Cask No. —; contents ——— gallons proof-spirits .

"———— ————,
United States Storekeeper

"Attest:

———— ————,
United States Gauger."

Fermenting period; when deemed to commence.
R. S., § 3310.

SEC. 7. That section thirty-three hundred and ten of the Revised Statutes of the United States be amended by striking out the words "ev[e]ry distiller at the hour of twelve meridian on the third day after that on which his bond is approved," occurring on the first and second lines thereof, and by inserting in lieu thereof the words:

"The first fermenting period of ev[e]ry distiller shall be taken to begin on the day the distiller's bond is approved; and ev[e]ry distiller at the hour of twelve meridian on the last day of such first fermenting period, or at the same hour on any previous day of such fermenting period on which spirits are distilled".

Deficiency of spirits not to be assessed in case of loss by casualty, &c.
R. S., § 3309.
1879, March 1, ch. 125, § 6.

SEC. 8. That section six of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by inserting after the word "premises", on the twenty-first line thereof, the following:

And the Commissioner of Internal Revenue upon the production to him of satisfactory proof of the actual destruction, by accidental fire or other casualty, and without any fraud, collusion, or negligence of the distiller of any spirits in process of manufacture or distillation, or before removal to the distillery warehouse, shall not assess the distiller for a deficiency in not producing eighty per centum of the producing capacity of his distillery as established by law when the deficiency is occasioned by such destruction, nor shall he, in such case, assess the tax on the spirits so destroyed.

Provision requiring rectifiers' bonds repealed.
1879, March 1, ch. 125, § 7.

SEC. 9. That section seven of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be repealed.

Spirits exported in casks or packages of any size entitled to drawback.
R. S., § 3329.

SEC. 10. That section thirty-three hundred and twenty-nine of the Revised Statutes of the United States be amended by striking out after the word "exported," in the fifty-sixth line, the words "at the rate of seventy cents per proof gallon," and inserting in lieu thereof the word "ninety";(1) and striking out the words "in quantities of not less than

NOTE.—(1) The word "ninety," inserted by this amendment, seems to be without force. The whole amendment appears to allow a drawback on spirits exported to the extent of the whole tax paid, with the exception, perhaps, of the limit of sixty cents per gallon for spirits distilled prior to August, 1872, as specified in the proviso to § 3329 of Revised Statutes.

one thousand gallons," in the third line thereof; and by inserting the word "packages", after the word "casks", in the fifth line thereof.

Spirits may be withdrawn from warehouse in packages of any size.
R. S., § 3330.

SEC. 11. That section thirty-three hundred and thirty of the Revised Statutes of the United States be amended by striking out the words "in quantities of not less than one thousand gallons," in the third line, and inserting in lieu thereof the words "or packages".

Use for domestic liquors of casks in which foreign liquors have been imported not prohibited.
1879, March 1, ch. 125, § 12.

SEC. 12. That section twelve of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out after the word "liquors", in the sixth line thereof, the words "and no cask or other package, such as is hereinbefore mentioned, in which distilled spirits, wines, or malt liquors have been imported, shall be used to contain domestic distilled spirits, under penalty of the forfeiture of such reused cask or package and the contents thereof."

Penalty for making, using, &c., similar casks.
1879, March 1, ch. 125, § 13.

SEC. 13. That section thirteen of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out after the word "sale", in the eighth line thereof, the following:

"Or shall, for such purpose, manufacture, use, or have in possession any cask or package made in imitation of, or intended to be in the similitude of such imported casks or packages, with any imitation of such marks or brands thereon," and by striking out after the word "sold," in the fifteenth line thereof, the word "manufactured".

Distilled spirits for manufacture of preparations for export may be withdrawn from distillery warehouse without tax.
R. S., § 3433.
Substitute for
1879, March 1, ch. 125, § 20.

SEC. 14. That section twenty of an act entitled "An act to amend the laws relating to internal revenue", approved March first, eighteen hundred and seventy-nine, be amended by striking out all after the number of said section and substituting therefor the following:

That under such regulations and requirements as to stamps, bonds, and other security as shall be prescribed by the Commissioner of Internal Revenue, any manufacturer of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors, for export, manufacturing the same in a duly constituted manufacturing warehouse, shall be authorized to withdraw, in original packages, from any distillery warehouse, so much distilled spirits as he may require for the said purpose, without the payment of the internal-revenue tax thereon."

Allowance for leakage and loss during transportation from distillery warehouse to manufacturing warehouse.

SEC. 15. That where spirits are withdrawn from distillery warehouses for transfer to manufacturing warehouses, under the provisions of this act, it shall be lawful, under such rules and regulations and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a manufacturing warehouse.

Collectors to account for tax-paid stamps, make returns, &c.
Substitute for
R. S., § 3214.
1879, March 1, ch. 125, § 5, in part.

SEC. 16. That section thirty-three hundred and fourteen be amended by striking out all after the said number, and substituting the following:

"The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books;

And ev[e]ry collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected;

And when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of one per centum on the amount of such tax, in addition to any other commission by law allowed:

Provided, That the total net compensation of collectors as fixed by this title shall not be thereby increased.

Collectors; how charged with other stamps. Reports and books.

All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein":

Export stamps; how charged and amount due collected.
R. S., § 3330.
1874, June 9, ch. 259, § 2.

Provided, That all export stamps issued to collectors shall be charged to them as representing the value of ten cents for each stamp, and they shall collect the amount due for such stamps at the rate of ten cents for each stamp issued in such manner and at such time as the Commissioner of Internal Revenue may prescribe, and the Commissioner may, in his discretion, make assessment therefor.

Spirits withdrawn from distillery or bonded warehouse may be regauged.

SEC. 17. Whenever the owner of any distilled spirits shall desire to withdraw the same from the distillery warehouse, or from a special bonded warehouse, he may file with the collector a notice giving a description of the packages to be withdrawn, and request that the distilled spirits be regauged; and thereupon the collector shall direct the gauger to regauge the same, and mark upon each package so regauged the number of gauge or wine gallons and proof-gallons therein contained.

Allowance for leakage.

If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller or owner thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse, or special bonded warehouse:

—to what extent made.

Provided, however, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed one proof-gallon for two months, or part thereof, one and one-half gallons for three and four months, two gallons for five and six months, two and one-half gallons for seven and eight months, three gallons for nine and ten months, three and one-half gallons for eleven and twelve months, four gallons for thirteen, fourteen, and fifteen months, four and one-half gallons for sixteen, seventeen, and eighteen months, five gallons for nineteen, twenty, and twenty-one months, five and one-half gallons for twenty-two, twenty-three, and twenty-four months, six gallons for twenty-five, twenty-six, and twenty-seven months, six and one-half gallons for twenty-eight, twenty-nine, and thirty months, seven gallons for thirty-one, thirty-two, and thirty-three months, and seven and one-half gallons for thirty-four, thirty-five, and thirty-six months:

Provided, also, That the foregoing allowance of loss shall apply only to casks or packages of a capacity of forty or more wine-gallons, and that the allowance for loss on casks or packages of less capacity than forty gallons shall not exceed one-half the amount allowed on said forty-gallon cask or package;

But no allowance shall be made on casks or packages of less capacity than twenty gallons:

Computation of proof of spirits.

And provided further, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than one hundred per cent.

Manufacture of wooden stills by registered distillers for their own use not subject to special tax.
R. S., § 3244, par. 2.

SEC. 18. That subsection second of section thirty-two hundred and forty-four shall not apply to distillers in registered distilleries who manufacture for their own use wooden stills, but each of said distillers shall give notice to the collector of the district in which his distillery is located of each still manufactured before the same is used.

Repeal.

SEC. 19. That all acts and parts of acts inconsistent herewith are hereby repealed. [*May* 28, 1880.]

CHAPTER 115.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MILITARY ACADEMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 1, 1880.
21 Stat. L., 153.

Secretary of War may assign any Army officer as professor of law at the Military Academy.

Be it enacted, &c. * * *

For department of law: *Provided*, That the Secretary of War may, in his discretion, assign any officer of the Army as professor of law.

* * * * * * *

[*June* 1, 1880.]

Secretary of War may assign any Army officer as professor of law at the Military Academy.
R. S., §§ 1309–1313.

CHAPTER 119.

AN ACT PROVIDING FOR THE REAPPORTIONMENT OF THE MEMBERS OF THE LEGISLATURES IN THE TERRITORIES OF MONTANA, IDAHO, AND WYOMING.

June 3, 1880.
21 Stat. L., 154.

SECTION
1. Reapportionment of members of legislatures of Montana, Idaho, and Wyoming on basis of census of 1880.
2. Election after reapportionment.
3. The next legislative assembly.
4. Assembling and pay of boards of apportionment.
5. When act takes effect.

Be it enacted, &c.

Reapportionment of members of legislatures of Montana, Idaho, and Wyoming on basis of census of 1880.
R. S., §§ 1849, 1922.

[SECTION 1], That the governor, and the speaker of the house of representatives and the president of the council during the last session of the legislatures, in the Territories of Montana, Idaho, and Wyoming, be, and they are hereby, authorized and empowered to act as a board of apportionment in their respective Territories;

And when assembled at the capitals of their respective Territories, they, or a majority of them, shall reapportion the members of the council and house of representatives in their respective Territories upon the basis of the population as shown by the returns of the census for the year eighteen hundred and eighty, excluding Indians, and shall make such apportionment strictly in accordance with said census returns, allotting members of each house of the legislative assembly to the different sections of their respective Territories, pro rata, as nearly as practicable, according to the population, and to that end may apportion, when necessary, in joint council districts.

Election after reapportionment.

SEC. 2. That the reapportionment so made by said boards shall be forthwith certified to by the members, or a majority thereof, making the same, and filed in the office of the Secretary of the Territory; and within ten days thereafter the governor shall issue his proclamation for an election of such members of the legislature so apportioned as aforesaid, specifying in such proclamation the apportionment so made to the different sections, and which election shall be held at the time and places as provided by law, and the returns to be canvassed as provided by the laws of said Territories respectively.

The next legislative assembly.

SEC. 3. That the persons elected under such apportionment shall, when assembled at their respective capitals, at the time provided by law, and when duly qualified and organized, constitute the next legislative assembly in each of said Territories, and shall be empowered to alter or amend the reapportionment for members of the legislature so made, and at any time thereafter reapportion their respective Territories in accordance with the population as the same may vary and change.

Assembling and pay of boards of apportionment.

SEC. 4. That the members constituting such boards of apportionment shall assemble at the capitals of their respective Territories and complete their work on or before the first Monday in September, eighteen hundred and eighty, and they shall be allowed the same compensation per diem and mileage as are allowed to the presiding officers of the legislatures in such Territories;

Which allowance shall be certified by the Secretary of the Territory to the proper officers of the United States Treasury Department, and

the same shall be paid out of any moneys in the Treasury not otherwise appropriated.

When act takes effect.

SEC. 5. That this act shall take effect and be in force from and after its passage. [*June* 3, 1880.]

CHAPTER 120.

June 4, 1880.

21 Stat. L., 155.

AN ACT PROVIDING THE TIMES AND PLACES OF HOLDING THE CIRCUIT COURT OF THE UNITED STATES IN THE DISTRICT OF IOWA, AND FOR OTHER PURPOSES.

SECTION
1. Circuit court for Iowa; when and where to be held.
2. Civil suits in circuit or district court of Iowa to be brought in division where one of defendants resides.
3. Issues of fact; where to be tried.
4. Non-resident defendants.
5. Boundaries of northern, southern, western, and central divisions.
6. Clerk.
7. Repeal.

Be it enacted, &c.

Circuit court for Iowa; when and where to be held.
R. S., §§ 572, 658.
1874, Feb. 9, ch. 24.

[SECTION 1], That the circuit court of the United States in and for the district of Iowa shall hereafter be held at the times and places provided by law for holding the United States district court in and for said district.(1)

Causes removed from any court of the State of Iowa into said circuit court within said district shall be removed to the circuit court in the division in which such State court is held, unless the parties thereto shall otherwise agree, or the court, for good cause, shall otherwise order.

Civil suits in circuit or district court of Iowa to be brought in division where one of defendants resides.
R. S., § 740.

SEC. 2. That all civil suits not of a local nature which shall be hereafter brought in the circuit or district court of the United States in said district must be brought in the division of the district where the defendant or defendants reside; but if there are two or more defendants residing in different divisions the plaintiff may sue in either one of the divisions in which a defendant resides.

Issues of fact; where tried.

All issues of fact triable in either of said courts shall be tried in the division where the defendant or one of the defendants resides, unless by consent of both parties the case shall be removed to some other division.

Non-resident defendants.

Where the defendant is a non-resident of the district suit may be brought in any division where property or the defendant is found.

Northern division; boundaries of.
R. S., § 537.

SEC. 3. That the northern division of said district shall contain the following counties: Alamakee, Winneshiek, Howard, Mitchell, Floyd, Chickasaw, Fayette, Clayton, Butler, Bremer, Grundy, Blackhawk, Buchanan, Delaware, Dubuque, Benton, Linn, Jones, Jackson, and Clinton.

Southern division.
R. S., § 537.

The southern division shall contain the counties of Cedar, Scott, Muscatine, Louisa, Washington, Keokuk, Mahaska, Monroe, Wapello, Jefferson, Henry, Des Moines, Lee, Van Buren, Davis, and Appanoose.

Western division.
R. S., § 537.

The western division shall contain the counties of Monona, Crawford, Carroll, Guthrie, Audubon, Shelby, Harrison, Pottawattamie, Cass, Adair, Union, Adams, Montgomery, Mills, Fremont, Page, Taylor, and Ringgold.

Central division.
R. S., § 537.

The central division shall contain the remaining counties of the State.

Clerk.
R. S., § 560.

SEC. 4. That the clerk of the district court shall be the clerk of the circuit court at all the places where the same is held in said district except at Des Moines.

Repeal.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed. [*June* 4, 1880.]

NOTE.—(1) The times and places for holding the courts are: At DUBUQUE on the third Tuesday in April and November; at KEOKUK on the third Tuesday in January and June; at DES MOINES on the second Tuesday in May and the third Tuesday in October; at Council Bluffs on the fourth Mondays of March and September.—*Revised Statutes, § 572, and act of 1874, February 9, ch. 24.*

CHAPTER 121.

AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 4, 1880.
21 Stat. L., 155.

SECTION
1. *Par.* 1. One of Commissioners of District of Columbia to be trustee of Reform School.
Par. 2. — of Columbia Hospital and Lying-in Asylum of District of Columbia.
2. All revenues of District to be deposited in United States Treasury, except, &c.; how drawn.

SECTION
2. — appropriations not to be exceeded in expenditures.
Commissioners limited in making requisitions.
— to submit annual estimates to Secretary of Treasury.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

For Reform School: * * *

[*Par.* 1.] That one of the Commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee, with all the powers, privileges, and duties of other trustees of said Reform School.

One of Commissioners of District to be trustee of Reform School.
1876, May 3, ch. 90, § 1.

* * * * * * * *

[*Par.* 2.] That one of the commissioners of the District of Columbia, to be selected by the Board of Commissioners, shall be a trustee of said Hospital and Lying-in Asylum, with all the powers, privileges, and duties of other trustees of the same.

—of Columbia Hospital and Lying-in Asylum.
1872, June 10, ch. 415 (17 Stat. L., 360).

* * * * * * * *

SEC. 2. That all moneys appropriated by this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited in the Treasury of the United States as required by the provisions of section four of an act approved June eleventh, eighteen hundred and seventy-eight, and shall be drawn therefrom only on requisition of the Commissioners of the District of Columbia (except that the moneys appropriated for interest and the sinking fund shall be drawn therefrom only on the requisition of the Treasurer of the United States), such requisition specifying the appropriation upon which the same is drawn;

All revenues of District to be deposited in United States Treasury, except, &c.; how drawn.
1878, June 11, ch. 180, § 4.
1879, March 3, ch. 182, § 3, par. 3.

And in no case shall such appropriation be exceeded either in requisition or expenditure, and the accounts for all disbursements of the Commissioners of said District shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia, on vouchers certified by the Commissioners as now required by law:

—appropriation not to be exceeded in expenditures.

Provided, That said Commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District:

Commissioners limited in making requisitions.

And provided further, That they shall submit their annual estimates to the Secretary of the Treasury by the first day of October of each year. [*June* 4, 1880.]

—to submit annual estimates to Secretary of Treasury.
1878, June 11, ch. 180, § 3.
1881, March 3, ch. 134, § 1, par. 5.

CHAPTER 129.

AN ACT TO AUTHORIZE THE PRESIDENT TO APPOINT AN OFFICER OF THE NAVY OR THE MARINE CORPS TO PERFORM THE DUTIES OF SOLICITOR AND JUDGE-ADVOCATE-GENERAL, AND SO FORTH, AND TO FIX THE RANK AND PAY OF SUCH OFFICER.

June 8, 1880.
21 Stat. L., 164.

Judge-Advocate-General of Navy to be appointed. | Office of, to be in Department; his duties.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to appoint, for the term of four years, by and with the advice and consent of the Senate, from the officers of the Navy or

Judge-Advocate-General of Navy to be appointed.
R. S., § 416.

the Marine Corps, a judge-advocate-general of the Navy, with the rank, pay, and allowances of a captain in the Navy or a colonel in the Marine Corps, as the case may be.

Office of, to be in Department; his duties, &c.

And the office of the said judge-advocate-general shall be in the Navy Department, where he shall, under the direction of the Secretary of the Navy, receive, revise, and have recorded the proceedings of all courts-martial, courts of inquiry, and boards for the examination of officers for retirement and promotion in the naval service, and perform such other duties as have heretofore been performed by the solicitor and naval judge-advocate-general. [*June* 8, 1880.]

CHAPTER 136.

June 8, 1880.
21 Stat. L., 166.

AN ACT TO PROVIDE FOR ISSUING PATENTS FOR PUBLIC LANDS CLAIMED UNDER THE PRE-EMPTION AND HOMESTEAD LAWS IN CASES WHERE THE CLAIMANTS HAVE BECOME INSANE.

Homestead and pre-emption settlers becoming insane; how claims perfected.

Homestead and pre-emption settlers becoming insane; how claims perfected, &c.
R. S., §§ 2257–2288.
R. S., §§ 2289–2317.

Be it enacted, &c., That in all cases in which parties who regularly initiated claims to public lands as settlers thereon according to the provisions of the pre-emption or homestead laws, have become insane or shall hereafter become insane before the expiration of the time during which their residence, cultivation, or improvement of the land claimed by them is required by law to be continued in order to entitle them to make the proper proof and perfect their claims, it shall be lawful for the required proof and payment to be made for their benefit by any person who may be legally authorized to act for them during their disability, and thereupon their claims shall be confirmed and patented, provided it shall be shown by proof satisfactory to the Commissioner of the General Land Office that the parties complied in good faith with the legal requirements up to the time of their becoming insane, and the requirement in homestead entries of an affidavit of allegiance by the applicant in certain cases as a prerequisite to the issuing of the patents shall be dispensed with so far as regards such insane parties. [*June* 8, 1880.]

CHAPTER 137.

June 8, 1880.
21 Stat. L., 166.

AN ACT TO FURTHER AMEND THE ACT ENTITLED "AN ACT TO REORGANIZE THE COURTS OF THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES", APPROVED MARCH THIRD, EIGHTEEN HUNDRED AND SIXTY-THREE, AND TO AMEND SECTION EIGHT HUNDRED AND SIXTY-ONE OF CHAPTER TWENTY-FOUR OF THE REVISED STATUTES OF THE DISTRICT OF COLUMBIA.

SECTION
1. In District of Columbia, a judge holding circuit court may hold sittings for trial of criminal cases.
2. —jurors may be challenged who have served within a year.
— when persons drawn as jurors do not serve, their names to be returned to box.
3. Repeal.

Be it enacted, &c.

In District of Columbia, a judge holding circuit court may hold sittings for trial of criminal cases.
R. S. of Dist. Col., §§ 753–759.

[SECTION 1], That any justice of the supreme court of the District of Columbia holding a term of the circuit court for said District (whenever the condition of the business in such circuit court and in the criminal court, in the opinion of the general term of said supreme court, may render it proper and expedient so to do), may hold sittings for the trial of such criminal cases depending in the criminal court as the justice presiding therein may assign for that purpose, and may employ the petit juries drawn for such circuit court for such trials; and such sittings may be held during the regular sessions of the criminal court, or, in the recess thereof, during the term of such circuit court; and the business

done at such sittings shall be recorded in the minutes of the criminal court.

In District of Columbia; jurors may be challenged who have served within a year before.
Substitute for R. S. of Dist. Col., § 861.

SEC. 2. That section eight hundred and sixty-one of chapter twenty-four of the Revised Statutes of the District of Columbia be, and the same is hereby, amended so as to read as follows:

"SEC. 861. It shall be good cause of principal challenge to any person called to serve as a talesman on a petit jury at any term of the criminal or circuit courts of the District of Columbia, that he has served as such juror in the trial of a cause in either of said courts at any time within one year next before his being so called and challenged.

—when persons drawn as jurors do not serve, their names to be returned to jury-box.
R. S. of Dist. Col., § 853.

And whenever a paper, on which is written the name of any person, shall be drawn from the jury-box, and such person by reason of being challenged, or for any other reason, shall not serve as a juror at the term for or at which he shall have been so drawn, the clerk of the supreme court of the District of Columbia (unless otherwise ordered by the justice presiding in the court for which such name was drawn) shall replace the said paper in the jury-box, folded or rolled up in the manner prescribed by section eight hundred and fifty-three of said chapter, subject to be drawn again from said jury-box with the other papers therein."

Repeal.

SEC. 3. All laws and parts of laws inconsistent herewith are herewith repealed. [*June* 8, 1880.]

CHAPTER 161.

AN ACT TO AMEND SECTIONS THIRTY-THREE HUNDRED AND EIGHTY-FIVE AND THIRTY-THREE HUNDRED AND FIFTY-SEVEN OF THE REVISED STATUTES OF THE UNITED STATES.

June 9, 1880.
21 Stat. L., 167.

SECTION
1. Bonds given on withdrawal of tobacco, snuff, and cigars for export; when and how may be canceled.
Penalty for relanding in United States tobacco, snuff, or cigars shipped for export.

SECTION
2. Collectors of internal revenue to keep record of manufacturers of tobacco and snuff.
— to enter copies of inventories and returns.
— to cause manufactories to be numbered, &c.

Be it enacted, &c.

Bonds given on withdrawal of tobacco, snuff, and cigars for export; when and how may be canceled.
R. S., § 3385.

[SECTION 1], That section thirty-three hundred and eighty-five of the Revised Statutes of the United States be amended by striking out all of said section after the word "shipment" where it occurs in the twenty-seventh line, and insert in lieu of the part stricken out the following:

"Upon the presentation to the collector of internal revenue of a detailed report from the inspector of customs, and a certificate from the collector of customs at the port from which the goods are to be exported, that the goods removed from the manufactory under bond, and described in the permit of the collector of internal revenue, have been received by the said collector of customs, and that said goods were duly laden on board of a foreign-bound vessel, naming the vessel, and the said merchandise was entered on the outward-manifest of said vessel, and that said vessel and cargo were duly cleared from said port, and on the payment of the tax on deficiency, if any, the bonds which have been, or shall hereafter be, required to be given under the provisions of this section, shall be canceled.

Penalty for relanding in United States tobacco, snuff, or cigars shipped for export.

Every person who, with the intent to defraud the revenue laws of the United States, relands or causes to be relanded, within the jurisdiction of the United States, any manufactured tobacco, snuff, or cigars which have been shipped for exportation under the provisions of this act, without properly entering such tobacco, snuff, or cigars at a custom-house, and paying the proper customs and internal-revenue taxes thereon, or who receives such relanded tobacco, snuff, or cigars, and every person who aids or abets in such relanding or receiving of such tobacco, snuff, or cigars, shall, on conviction, be fined not exceeding five thousand dol-

lars or imprisoned not more than three years; and all tobacco, snuff, or cigars so relanded shall be forfeited to the United States."

Collectors of internal revenue to keep record of manufacturers of tobacco and snuff. *Substitute for* R. S., § 3357.

SEC. 2. That section thirty-three hundred and fifty-seven of the Revised Statutes of the United States be amended and re-enacted so as to read as follows:

"Every collector shall keep a record in a book or books provided for the purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory.

—to enter copies of inventories and returns.

And he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns.

—to cause manufactories to be numbered, &c.

And he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not be thereafter changed, except for reasons satisfactory to himself and approved by the Commissioner of Internal Revenue." [*June* 9, 1880.]

CHAPTER 162.

June 9, 1880.
21 Stat. L., 168.

AN ACT TO AUTHORIZE THE SAINT PAUL AND CHICAGO SHORT LINE RAILWAY COMPANY TO CONSTRUCT A BRIDGE ACROSS LAKE SAINT CROIX, AND TO ESTABLISH IT AS A POST-ROAD.

SECTION
1. Bridge across Lake Saint Croix, between Wisconsin and Minnesota, may be built.
— not to interfere with navigation.
— in case of litigation, in what court actions may be brought.
2. — how may be built.
— if built with unbroken spans; elevation, &c.
— if built as a draw-bridge; how constructed.
Draw to be opened promptly for passage of boats.
3. United States to have right of way, and shall not be charged discriminating rate for transportation, &c.
4. All railway companies to have equal rights of passage.
5. Plans and specifications.
Congress may direct changes in construction.
6. — may amend or repeal act.

Be it enacted, &c.

Bridge across Lake Saint Croix, between Wisconsin and Minnesota, may be built by Saint Paul and Chicago Short Line Railway Company.

[SECTION 1], That it shall be lawful for the Saint Paul and Chicago Short Line Railway Company, a corporation created and existing under and by virtue of the laws of the State of Wisconsin, to build a bridge across the Lake Saint Croix from such point in township number twenty-six north, of range twenty west of the fourth principal meridian, in the county of Pierce and State of Wisconsin, as may be hereafter selected by said railway company, to such point in the county of Washington, in the State of Minnesota, as may hereafter be selected by said railway company, and to lay on or over said bridge, railway tracks for the more perfect connection of its railway tracks as they may hereafter be built to the points aforesaid on either side of said lake under the limitations and conditions herein:

—not to interfere with navigation.

Provided, That said bridge shall not interfere with the free navigation of said lake beyond what is necessary in order to carry into effect the rights and privileges hereby granted,

—in case of litigation, in what court actions may be brought.

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said lake, the cause shall be tried before the district court of the United States for the district of Minnesota or the western district of Wisconsin.

—how may be built.

SEC. 2. That any bridge built under the provisions of this act may, at the option of said railway company, be built as a draw-bridge with a pivot or other form of draw, or with unbroken or continuous spans:

—if built with unbroken spans; elevation, &c.

Provided, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark as understood at the point of location to the bottom chord of the bridge; nor shall the span of said bridge be less than two hundred feet in length, and the piers of said bridge

shall be parallel with the current of the lake, and the main span shall be over the main channel of the lake and not less than two hundred feet in length:

Lake Saint Croix bridge, if built as a draw-bridge; how constructed.

And provided also, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot draw-bridge with a draw over the main channel of the lake at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in the clear at low-water surface on each side of the central or pivot pier of the draw; and the next adjoining spans to the draw shall be not less than one hundred and forty feet, and said spans shall not be less than ten feet above extreme high-water mark, and not less than thirty feet above low-water mark, measuring to the bottom chord of the bridge; and the piers of said bridge shall be parallel with the current of the lake:

Draw to be opened promptly for passage of boats.

And provided also, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats, and in no case shall unnecessary delay occur in opening said draw-bridge during or after the passage of trains.

—to be a post-route; United States to have right of way, and shall not be charged discriminating rate for transportation, &c.

SEC. 3. That any bridge constructed under the provisions of this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for their transportation over the railroads or public highways leading to the said bridge, and the United States shall have the right of way for postal telegraph purposes across said bridge.

All railway companies to have equal rights of passage.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

Plans and specifications.

SEC. 5. That the plan and specifications with the necessary drawings of said bridge shall be submitted to the Secretary of War for his approval, and until he approve the plan and location of said bridge it shall not be built or commenced, and should any change be made in the plan of said bridge during the progress of the work thereon such changes shall be subject to the approval of the Secretary of War;

Congress may direct changes in construction.

And all changes in the construction of said bridge that may be directed by Congress shall be made at the cost and expense of the owners thereof.

—may amend or repeal act.

SEC. 6. That the right to alter, amend or repeal this act as in the judgment of Congress the public good may require and to compel the removal of any obstructions to navigation caused by said bridge at the expense of the persons or corporations taking the benefit of this act, is hereby reserved. [*June* 9, 1880.]

CHAPTER 163.

AN ACT CONFIRMING THE TITLE TO BLOCK NUMBERED FOURTEEN, IN BAKER CITY, OREGON, TO BAKER COUNTY.

June 9, 1880.

21 Stat. L., 169.

Title confirmed to Baker County, Oregon, of certain land.

Be it enacted, &c., That the title to so much of block fourteen, in Baker City, Oregon, as the United States has title to, be, and the same is hereby, confirmed to the county of Baker, Oregon, and that a patent be issued to the said county therefor, without prejudice to the right of any adverse claimant to any part thereof. [*June* 9, 1880.]

CHAPTER 164.

June 9, 1880.
21 Stat. L., 169.

AN ACT TO AMEND SECTIONS TWENTY-TWO HUNDRED AND SIXTY-TWO AND TWENTY-THREE HUNDRED AND ONE OF THE REVISED STATUTES OF THE UNITED STATES, IN RELATION TO THE SETTLER'S AFFIDAVIT IN PRE-EMPTION AND COMMUTED HOMESTEAD ENTRIES.

Pre-emption and homestead claimants' oath; before whom may be taken, &c.

Pre-emption and homestead claimants' oath; before whom may be taken, &c.
R. S., §§ 2262, 2291, 2301.
1877, March 3, ch. 122.

Be it enacted, &c., That the affidavit required to be made by sections twenty-two hundred and sixty-two and twenty-three hundred and one of the Revised Statutes of the United States, may be made before the clerk of the county court or of any court of record, of the county and State or district and Territory in which the lands are situated; and if said lands are situated in any unorganized county, such affidavit may be made in a similar manner in any adjacent county in said State or Territory, and the affidavit so made and duly subscribed shall have the same force and effect as if made before the register or receiver of the proper land district; and the same shall be transmitted by such clerk of the court to the register and receiver with the fee and charges allowed by law. [*June* 9, 1880.]

CHAPTER 166.

June 9, 1880.
21 Stat. L., 170.

AN ACT TO RESTORE PENSIONS IN CERTAIN CASES.

Pensions allowed prior to July 25, 1866, not to be reduced by subsequent acts. | —to be restored if already reduced.

Pensions allowed prior to July 25, 1866, not to be reduced by subsequent acts.
R. S., § 4712.
1866, ch. 235 (14 Stat. L., 230).
1868, ch. 264 (15 Stat. L., 235).

Be it enacted, &c., That section three of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes", approved July twenty-fifth, eighteen hundred and sixty-six, and section thirteen of an act entitled "An act relating to pensions", approved July twenty-seventh, eighteen hundred and sixty-eight, and section forty-seven hundred and twelve of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, non-commissioned, or petty officers of the Navy or their widows or minor children, prior to the twenty-fifth day of July, eighteen hundred and sixty-six;

—to be restored if already reduced.

And the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction. [*June* 9, 1880.]

CHAPTER 167.

June 9, 1880.
21 Stat. L., 170.

AN ACT PROVIDING FOR THE TRANSPORTATION OF THE MAILS BETWEEN EAST SAINT LOUIS, IN THE STATE OF ILLINOIS, AND SAINT LOUIS, IN THE STATE OF MISSOURI.

Transportation of mails between Saint Louis and East Saint Louis to be let to lowest bidder.

Transportation of mails between Saint Louis and East Saint Louis to be let to lowest bidder.
R. S., §§ 3941, 3942.

Be it enacted, &c., That the Postmaster-General be, and he hereby is, authorized to treat the transportation of mails between East Saint Louis and the Union Depot in Saint Louis, Missouri, as other than railroad service, and to pay for the same to the lowest bidder therefor, having due regard to the efficiency of the service, out of any appropriation available for the purpose. [*June* 9, 1880.]

CHAPTER 169.

AN ACT TO GRANT TO THE CORPORATE AUTHORITIES OF THE CITY OF COUNCIL BLUFFS, IN THE STATE OF IOWA, FOR PUBLIC USES, A CERTAIN LAKE OR BAYOU SITUATED NEAR SAID CITY.

June 9, 1880.
21 Stat. L., 171.

Lake or bayou granted to Council Bluffs, Iowa, upon conditions.
—leases may be granted.
—management of.

Be it enacted, &c., That there shall be, and is hereby, conveyed to the corporate authorities of the city of Council Bluffs, in the State of Iowa, and their successors in office, the title of the United States to the meandered lake, situated in sections eleven, thirteen, fourteen, fifteen, twenty-two, and twenty-three, in township seventy-five north, range forty-four west of the fifth principal meridian of Iowa, upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time;

Lake or bayou granted to Council Bluffs, Iowa, upon conditions.

But leases not exceeding ten years may be granted for portions of said premises, all incomes derived from leases or privileges to be expended in the preservation and improvement of the property, or the roads leading thereto;

—leases of, may be granted.

The premises to be managed by the said corporate authorities, or such commissioners as they may elect, and who shall receive no compensation for their services. [*June* 9, 1880.]

—management of.

CHAPTER 171.

AN ACT TO CONFIRM CERTAIN ENTRIES AND WARRANT LOCATIONS IN THE FORMER PALATKA MILITARY RESERVATION IN FLORIDA.

June 9, 1880.
21 Stat. L., 171.

SECTION
1. Lands in Palatka military reservation confirmed to homestead settlers, and State authorized to select other lands in lieu of same.
SECTION
2. —and to locators of land-warrants, &c.

Be it enacted, &c.

[SECTION 1], That in all cases in which lands lying within the limits of the former Palatka military reservation in Florida have been entered by settlers under the homestead laws, and their entries are found to conflict with selections by the State of Florida under the grant of swamp lands by act of Congress of September twenty-eighth, eighteen hundred and fifty, which are confirmed by the act of March third, eighteen hundred and fifty-seven, and in which said settlers have in good faith complied with the requirements of the homestead laws, their entries be, and the same are hereby, confirmed, on the State filing with the Commissioner of the General Land Office its relinquishment of all claim thereto;

Lands in Palatka military reservation confirmed to homestead settlers, and State authorized to select other lands in lieu of same.
1850, ch. 84 (9 Stat. L., 519).
1857, ch. 117 (11 Stat. L., 251).

And the State shall thereupon be entitled to select in lieu thereof an equal quantity of land from any of the vacant and unappropriated public lands of the United States in Florida, and patents shall be issued to the State for the lands so selected in lieu of the tracts taken by the settlers.

SEC. 2. That in all cases in which lands lying within said reservation have been entered at private entry or located by military land-warrants, and which conflict with said selections, the same are also hereby confirmed on the State relinquishing all claim thereto, and the State shall thereupon be entitled to indemnity in the same manner as indicated in the first section of this act. [*June* 9, 1880.]

—and to locators of land-warrants, &c.

CHAPTER 186.

June 10, 1880.
21 Stat. L., 172.

AN ACT AUTHORIZING THE SECRETARY OF THE NAVY TO INTRODUCE COTTON CORDAGE INTO THE NAVAL SERVICE OF THE UNITED STATES.

Cotton cordage may be introduced into naval service to test value, &c.

Cotton cordage may be introduced into naval service to test value, &c.

Be it enacted, &c., That the Secretary of the Navy be authorized and directed to introduce into the naval service rope and cordage manufactured of cotton according to the recent methods to such an extent as will furnish a fair test of the value and efficiency thereof as compared with the kinds now in use:

Provided however, That no person shall have any claim whatever against the United States or any department thereof or receive any compensation therefor. [*June* 10, 1880.]

CHAPTER 187.

June 10, 1880.
21 Stat. L., 172.

AN ACT ABOLISHING THE MILITARY RESERVATIONS OF FORT ABERCROMBIE, FORT SEWARD, AND FORT RANSOM, ALL IN THE TERRITORY OF DAKOTA, AND AUTHORIZING THE SECRETARY OF THE INTERIOR TO HAVE THE LANDS EMBRACED THEREIN SURVEYED AND MADE SUBJECT TO HOMESTEAD AND PRE-EMPTION ENTRY AND SALE, THE SAME AS OTHER PUBLIC LANDS.

Forts Abercrombie, Seward, and Ransom, in Dakota, abolished, and lands open to homestead and pre-emption.
Present occupiers; date of settlement.
—to have lines conform to surveys.

Forts Abercrombie, Seward, and Ransom, in Dakota, abolished, and lands open to homestead and pre-emption.
R. S., §§ 2257–2317.

Be it enacted, &c., That the military reservations of Fort Abercrombie, Fort Seward, and Fort Ransom, all in the Territory of Dakota, be, and the same are hereby, abolished, and the Secretary of the Interior is hereby authorized to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale, the same as other public lands:

Present occupiers; date of settlement.

Provided, The rights of all actual settlers, entitled to the benefits of the homestead and pre-emption laws of the United States, who now occupy in good faith any portion of the land embraced within any of said reservations, shall date from the day of their actual settlement thereon; and in perfecting their titles thereto under the homestead or pre-emption laws, the time such settlers have occupied and improved their said lands shall be allowed:

—to have lines conform to surveys.

Provided further, That when the lands embraced in said reservations, shall be surveyed, the claims of all such actual settlers shall be made to conform to the lines of the government survey. [*June* 10, 1880.]

CHAPTER 189.

June 10, 1880.
21 Stat. L., 173.

AN ACT TO REGULATE THE COMPENSATION OF NIGHT INSPECTORS OF CUSTOMS.

SECTION
1. Compensation of night inspectors of customs may be increased.
SECTION
2. Repeal.

Be it enacted, &c.

Compensation of night inspectors of customs.
R. S., §§ 2733, 2737.
1878, June 20, ch. 359, § 1, par. 7.

[SECTION 1], That hereafter the compensation to inspectors of customs employed under existing law for service at night may be increased by the Secretrary of the Treasury at such ports as he may think it advisable so to do to a sum not exceeding three dollars for each night's service.

Repeal.

SEC. 2. That all acts or part of acts being inconsistent with the above act are hereby repealed. [*June* 10, 1880.]

CHAPTER 190.

AN ACT TO AMEND THE STATUTES IN RELATION TO IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS, AND FOR OTHER PURPOSES.

June 10, 1880.

21 Stat. L., 173.

SECTION

1. Ports of arrival at which customs entries may be made for transportation in bond to inland ports.
2. Record of merchandise so entered to be kept by collector.
Merchandise to be examined at port of arrival and appraised at port of destination.
3. —to be transported by designated common carriers only.
Bond of carriers.
4. Quadruplicate invoices of merchandise intended for transportation in bond inland; how disposed of.
—no additional fee.
5. Merchandise in such case; how and in what form to be transported.
—not to be unladen between ports of arrival and ports of destination.
6. —to be transferred direct from importing vessel to car, &c.
7. Ports at which merchandise may be so transported in bond.
—if there be necessary officers there.
8. Repeal.
9. Merchandise not to be so transported when it has been landed ten days, &c.
10. Lien for freight on imported goods; how secured.
When goods subject to lien are sold by United States, freight to be paid.
11. Act takes effect after July 1, 1880.

Be it enacted, &c.

Ports of arrival at which customs entries may be made for transportation in bond to inland ports.

16 Opin. Att'y-Gen., 548.

1880, June 14, ch. 214.

1881, Feb. 28, ch. 92.

1881, March 3, ch. 156.

[SECTION 1], That when any merchandise, other than explosive articles, and articles in bulk not provided for in section four(1) of this act, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland and Bath, in Maine, Chicago, Port Huron, Detroit, New Orleans, Norfolk, Charleston Savannah, Mobile, Galveston, Pensacola, Florida, Cleveland, Toledo, and San Francisco, shall appear by the invoice or bill of lading and manifest of the importing vessel to be consigned to and destined for either of the ports specified in the seventh section of this act, the collector at the port of arrival shall allow the said merchandise to be shipped immediately after the entry prescribed in section two of this act has been made.

Record of merchandise so entered to be kept by collector.

SEC. 2. That the collector at the port of first arrival shall retain in his office a permanent record of such merchandise so to be forwarded to the port of destination, and such record shall consist of a copy of the invoice and an entry whereon the duties shall be estimated as closely as possible on the merchandise so shipped, but no oaths shall be required on the said entry.

Merchandise to be examined at port of arrival, and appraised at port of destination.

Such merchandise shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice; and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of first arrival if such merchandise had been entered for consumption or warehouse at such port.

—to be transported by designated common carriers only.

SEC. 3. That such merchandise shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to and by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination;

Bond of carriers.

And before any such carriers shall be permitted to receive and transport any such merchandise, they shall become bound to the United States in bonds of such form and amount, and with such conditions, not inconsistent with law, and such security as the Secretary of the Treasury shall require.

Quadruplicate invoices of merchandise intended for transportation in bond inland; how disposed of.

R. S., §§ 2853, 2855.

SEC. 4. That sections twenty-eight hundred and fifty-three and twenty-eight hundred and fifty-five of the Revised Statutes of the United States be, and the same are hereby, so amended as to require that all invoices of merchandise imported from any foreign country and intended to be transported without appraisement to any of the ports mentioned in the seventh section of this act, shall be made in quadruplicate;

And that the consul, vice-consul, or commercial agent, to whom the same shall be produced, shall certify each of said quadruplicates under his hand and official seal in the manner required by section twenty-eight hundred and fifty-five of the Revised Statutes, and shall then deliver to

NOTE.—(1) Four is changed to five by act of June 14, 1880, ch. 214.

the person producing the same two of the quadruplicates, one to be used in making entry at the port of first arrival of the merchandise in the United States, and one to be used in making entry at the port of destination, file another in his office, there to be carefully preserved and as soon as practicable transmit the remaining one to the collector or surveyor of the port of final destination of the merchandise:

—no additional fee for.

Provided, however, That no additional fee shall be collected on account of any service performed under the requirements of this section.

Merchandise in such case; how and in what form to be transported.

SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs;

And merchandise may also be transported under the provisions of this act by express companies, on passenger trains, in safes and trunks, which shall be of such size, character, and description, and secured in such manner as shall be from time to time prescribed by the Secretary,

And in cases where merchandise shall be imported in boxes or packages too large to be included within the safes or trunks so prescribed, such merchandise may be transported, under the provisions of this act, by such express companies, in a separate compartment of the car, secured in such manner as shall from time to time be prescribed by the Secretary of the Treasury;

And merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars, may be transported, under the provisions of this act, upon such platform or flat cars, and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad-scales may be used for such purposes;

And inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively.

—not to be unladen between ports of arrival and ports of destination.

Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or when by reason of the length of the route the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation;

And in no case shall there be permitted any breaking of the original packages of such merchandise.

—to be transferred directly from importing vessel to car, &c.

SEC. 6. That merchandise so destined for immediate transportation shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination.

Ports at which merchandise may be so transported in bond.

SEC. 7. That the privilege of immediate transportation shall extend to the ports of New York and Buffalo, in New York; Burlington, in Vermont; Boston, in Massachusetts; Providence and Newport in Rhode Island; New Haven, Middletown, and Hartford in Connecticut; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, Crisfield and Annapolis in Maryland; Wilmington, and Seaford, in Delaware; Salem, Massachusetts; Georgetown in the District of Columbia; Norfolk, Richmond and Petersburgh, in Virginia; Wilmington and Newberne, in North Carolina; Charleston and Port Royal, in South Carolina; Savannah and Brunswick, in Georgia; New Orleans, in Louisiana; Portland and Bath, in Maine; Portsmouth, in New Hampshire; Chicago, Cairo, Alton, and Quincy, in Illinois; Detroit, Port Huron, and Grand Haven in Michigan; Saint Louis, Kansas City, and Saint Joseph in Missouri; Saint Paul, in Minnesota; Cincinnati, Cleveland, and Toledo, in Ohio; Milwaukee, and La Crosse, in Wisconsin; Louisville, in Kentucky; San Francisco, San Diego and Wilmington in California; Portland, in Oregon; Memphis, Nashville and Knoxville, in Tennessee; Mobile, in

Alabama; and Evansville, in Indiana; and Galveston, Houston, Brownsville, Corpus Christi, and Indianola, in Texas; Omaha, in Nebraska; Dubuque, Burlington and Keokuk, in Iowa; Leavenworth, in Kansas; Tampa Bay, Fernandina, Jacksonville, Cedar Keys, Key West, and Apalachicola, in Florida:

Provided, That the privilege of transportation herein conferred shall not extend to any place at which there are not the necessary officers for the appraisement of merchandise and the collection of duties. —if there be the necessary officers there.

SEC. 8. That sections twenty-nine hundred and ninety, twenty-nine hundred and ninety-one, twenty-nine hundred and ninety-two, twenty-nine hundred and ninety-three, twenty-nine hundred and ninety-four, twenty-nine hundred and ninety-five, twenty-nine hundred and ninety-six, and twenty-nine hundred and ninety-seven of the Revised Statutes be, and the same are hereby, repealed. Repeal of R. S., §§ 2990–2997. See 1876, March 14, ch. 23. 1878, May 25, ch. 109.

SEC. 9. That no merchandise shall be shipped under the provisions of this act after such merchandise shall have been landed ten days from the importing vessel, and merchandise not entered within such time shall be sent to a bonded warehouse by the collector as unclaimed, and held until regularly entered and appraised. Merchandise not to be so transported when it has been landed ten days, &c.

SEC. 10. That section twenty-nine hundred and eighty-one of the Revised Statutes be amended so as to read as follows:

That whenever the proper officer of the customs shall be duly notified in writing of the existence of a lien for freight upon imported goods, wares or merchandise in his custody, he shall, before delivering such goods, wares, or merchandise to the importer, owner, or consignee thereof, give seasonable notice to the party or parties claiming the lien; Lien for freight on imported goods; how secured. *Substitute for* R. S., § 2981. 16 Opin. Att'y-Gen., 74.

And the possession by the officers of customs shall not affect the discharge of such lien, under such regulations as the Secretary of the Treasury may prescribe; and such officer may refuse the delivery of such merchandise from any public or bonded warehouse or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight thereon has been paid or secured;

But the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver.

If merchandise so subject to a lien regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom are paid. When goods subject to lien are sold by United States, freight to be paid.

SEC. 11. That this act shall take effect and be in force from and after the first day of July, anno Domini eighteen hundred and eighty. [*June* 10, 1880.] Act to take effect after 1st July, 1880.

CHAPTER 203.

AN ACT TO ESTABLISH A DISTRICT AND CIRCUIT COURT AT CHATTANOOGA TENNESSEE, AND TO ADD THE COUNTY OF GRUNDY TO THE EASTERN DISTRICT OF TENNESSEE.

June 11, 1880.

21 Stat. L., 751.

SECTION
1. Grundy County, Tenn., transferred to eastern judicial district.
2. Courts to be held at Chattanooga.
3. Eastern district divided into northern and southern divisions.
4. Clerks, marshal, and attorney for eastern district; duties.
— shall each appoint deputy at Chattanooga.
5. Suits to be brought in division of district where one of defendants resides.

SECTION
— issues of fact; where to be tried.
6. Prosecutions for crimes; where cognizable.
7. Residence of jurors.
Service of process in either division.
8. Removal of suits from State courts; to which division.
9. Building for courts.
10. When act takes effect; repeal.

Be it enacted, &c.

Grundy County, Tenn., transferred to eastern judicial district.
R. S., § 547.

[SECTION 1], That the county of Grundy heretofore composing a part of the middle district of Tennessee be transferred to, and henceforth form a part of, the eastern district of Tennessee.

Courts to be held at Chattanooga.
R. S., §§ 572, 658.

SEC. 2. A term of the circuit court and of the district court for the eastern district of Tennessee shall be held at Chattanooga in said state in each year on the first Mondays of April and October, after the passage of this act.

Eastern district divided into northern and southern divisions.

SEC. 3. Said eastern district shall be and hereby is divided into two divisions, to be known as the Northern and Southern divisions of the eastern district of Tennessee,

The southern division shall consist of the following counties, to wit, Hamilton, James, Polk, McMinn, Bradley, Meigs, Rhea, Marion, Sequatchie, Bledsoe, Grundy, and Cumberland,

And the northern division shall consist of the remaining counties in said district.

But no additional clerk or marshal shall be appointed in said district.

Clerks, marshal, and attorney for eastern district; duties.

SEC. 4. That the clerks of the district and circuit courts for the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts.

—shall each appoint deputy at Chattanooga.

And the said clerks and marshals shall each appoint a deputy to reside and keep their offices in the city of Chattanooga, and who shall, in the absence of their principals, do and perform all the duties appertaining to their offices respectively.

Suits to be brought in division of district where one of defendants reside.
R. S., § 740.

SEC. 5. All suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said state, must be brought in the division of the district where he resides; but if there are two or more defendants residing in different divisions of the district, such suits may be brought in either division.

—issues of fact; where to be tried.

All issues of fact in said suits shall be tried at a term of the court held in the division where the suit is so brought.

Prosecution for crimes; where cognizable.

SEC. 6. All prosecutions for crimes or offences hereafter committed in either of the sub-divisions shall be cognizable within such division; and all prosecutions for crimes, or offences heretofore committed within said county taken as aforesaid from the middle district or committed in the eastern district as hitherto constituted, shall be commenced and proceeded with as if this act had not been passed.

Residence of jurors.

SEC. 7. All grand and petit jurors summoned for service in each division shall be residents of such division.

Service of process in either division.

All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions may be served and executed in either or both of the divisions.

Removal of suits from State courts; to which division.

SEC. 8. In all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States courts in the division in which the county is situated from which the removal is made; and the time within which the removal shall be perfected in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

Building for courts.

SEC. 9. That each of said courts shall be held in a building to be provided for that purpose by the State or municipal authorities and without expense to the United States.

When act takes effect.
Repeal.

SEC. 10. This act shall be in force from and after the first day of July anno Domini eighteen hundred and eighty; and all acts and parts of acts inconsistent herewith are hereby repealed. [*June* 11, 1880].

CHAPTER 206.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST-OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 11, 1880.
21 Stat. L., 177.

SECTION
1. *Par.* 1. Superintendent of Railway Mail Service and Chief of Post-Office Inspectors to be paid traveling expenses.
Special agents of post-office to be called post-office inspectors.
Par. 2. Railroad company refusing railway postal cars to have its pay reduced 10 per cent.

SECTION
Par. 2. Repeal of authority to reduce pay on account of non-delivery of mails on time.
Par. 3. Postal cards and stamps for foreign mail-matter may be furnished by Postmaster-General.
Par. 4. Remission of part of cost of Australian closed mail in favor of New Zealand and New South Wales.

Be it enacted, &c.

[SECTION 1.] * * * * *

[*Par.* 1.] The superintendent of railway mail service and the chief of post-office inspectors shall be paid their actual expenses while traveling on the business of the department;

Superintendent of railway mail service &c., to be paid traveling expenses. R. S., §§ 4017, 4020. 1878, June 17, ch. 259, § 1, par. 1.

And section four thousand and seventeen of the Revised Statutes is hereby so amended as to insert in lieu of the words "special agents" and the word "agents", wherever they occur in said section, the words "post-office inspectors".

Special agents of post-office to be called post-office inspectors. R. S., § 4017. 1878, June 17, ch. 259, § 1, par. 1.

* * * * * * *

[*Par.* 2.] That in case any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department said company shall have its pay reduced ten per centum on the rates fixed in section four thousand and two of the Revised Statutes as amended by act of July twelfth, eighteen hundred and seventy-six, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", and as further amended by the act of June seventeenth, eighteen hundred and seventy-eight, entitled " An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes";

Railroad company refusing railway postal cars to have its pay reduced. R. S., §§ 4002–4005. 1876, July 12, ch. 179. 1878, June 17, ch. 259. 1881, March 1, ch. 96, § 1.

And section five of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes", approved March third, eighteen hundred and seventy-nine, be, and the same is hereby, repealed.

Repeal of section authorizing reduction of pay for non-delivery of mail on time. 1879, March 3, ch. 180, § 5.

* * * * * * *

[*Par.* 3.] And the Postmaster-General is hereafter authorized to furnish and issue to the public, postal cards with postage-stamps impressed upon them, for circulation in the mails exchanged with foreign countries under the provisions of the Universal Postal Union Convention of June first, eighteen hundred and seventy-eight, at a postage charge of two cents each, including the cost of their manufacture.

Postal cards and stamps for foreign mail-matter may be furnished by Postmaster-General.

* * * * * * *

[*Par.* 4.] *Provided*, That the Postmaster-General be authorized to remit in favor of the colonies of New Zealand and New South Wales so much of the cost of the overland transportation of the Australian closed mails as he may deem just.

Remission of part of cost of Australian closed mail in favor New Zealand and New South Wales. R. S., §§ 4006–4016.

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[*June* 11, 1880.]

CHAPTER 211.

June 14, 1880.
21 Stat. L., 197.

AN ACT MAKING APPROPRIATIONS FOR THE CONSTRUCTION, REPAIR, COMPLETION, AND PRESERVATION OF CERTAIN WORKS ON RIVERS AND HARBORS, AND FOR OTHER PURPOSES.

SECTION
4. Sunken vessels obstructing navigation to be removed by Secretary of War.
— unless removed by parties interested after notice.
— after removal, to be sold, with cargo, &c., and proceeds deposited in the Treasury.
Act extends to other wrecks.
Appropriation.

Be it enacted, &c.

* * * * * * *

Sunken vessels obstructing navigation to be removed by Secretary of War.

SEC. 4. Whenever hereafter the navigation of any river, lake, harbor, or bay, or other navigable water of the United States, shall be obstructed or endangered by any sunken vessel or water-craft, it shall be the duty of the Secretary of War, upon satisfactory information thereof, to cause reasonable notice, of not less than thirty days, to be given, personally or by publication, at least once a week in the newspaper published nearest the locality of such sunken vessel or craft, to all persons interested in such vessel or craft, or in the cargo thereof, of the purpose of said Secretary, unless such vessel or craft shall be removed as soon thereafter as practicable by the parties interested therein, to cause the same to be removed.

— unless removed by parties interested, after notice.

If such sunken vessel or craft and cargo shall not be removed by the parties interested therein as soon as practicable after the date of the giving of such notice by publication, or after such personal service of notice, as the case may be, such sunken vessel or craft shall be treated as abandoned and derelict, and the Secretary of War shall proceed to remove the same.

— after removal to be sold, with cargo, &c., and proceeds deposited in the Treasury.

Such sunken vessel or craft and cargo and all property therein when so removed shall, after reasonable notice of the time and place of sale, be sold to the highest bidder or bidders for cash, and the proceeds of such sales shall be deposited in the Treasury of the United States to the credit of a fund for the removal of such obstructions to navigation, under the direction of the Secretary of War, and to be paid out for that purpose on his requisition therefor.

Act extends to other wrecks.

The provisions of this act shall apply to all such wrecks whether removed under this act or under any other act of Congress.

Appropriation.

Such sum of money as may be necessary to execute this section of this act is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be paid out on the requisition of the Secretary of War. [*June* 14, 1880.]

CHAPTER 213.

June 14, 1880.
21 Stat. L., 198.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO CREATE THE NORTHERN JUDICIAL DISTRICT OF THE STATE OF TEXAS, AND TO CHANGE THE EASTERN AND WESTERN JUDICIAL DISTRICTS OF SAID STATE, AND TO FIX THE TIME AND PLACES OF HOLDING COURTS IN SAID DISTRICTS", APPROVED FEBRUARY TWENTY-FOURTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

SECTION
1. Judicial districts of Texas; in which divisions offenses to be tried.
2. Aransas County added to western district.
3. Pending cases.

Be it enacted, &c.

Judicial districts of Texas; in which divisions offenses to be tried.
R. S., § 740.
1879, Feb. 24, ch. 97, § 5.

[SECTION 1], That the above recited act be amended by adding to and at the end of the fifth section thereof the following words, to wit:

And all prosecutions in either of said districts for offenses against the laws of the United States shall be tried in that division of the district to which process for the county in which said offenses are committed is by said section required to be returned. And all writs and recogni-

zances in said prosecutions shall be returned to that division in which said prosecutions by this act are to be tried.

SEC. 2. That said act be further amended by adding to and at the end of section third thereof the words "and Aransas." Aransas County added to western district. R. S., § 548. 1879, Feb. 24, ch. 97, § 3.

SEC. 3. This act shall not apply to prosecutions now pending. [*June* 14, 1880.] Pending cases.

CHAPTER 214.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE STATUTES IN RELATION TO IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS, AND FOR OTHER PURPOSES." June 14, 1880. 21 Stat. L., 198.

Transportation in bond of dutiable goods; error in act corrected.

Be it enacted, &c., That in the act entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes", approved June tenth, eighteen hundred and eighty, the words "section four" where they occur in the first section of the act, be changed to "section five". [*June* 14, 1880.] Transportation in bond of dutiable goods; error in acts corrected. 1880, June 10, ch. 190.

CHAPTER 221.

AN ACT TO PROVIDE FOR THE DISPOSAL OF THE FORT HARKER MILITARY RESERVATION. June 15, 1880. 21 Stat. L., 198.

SECTION
1. Fort Harker military reservation in Kansas to be sold.
2. — to be appraised and offered for sale.
— present settlers on, to have prior right to purchase at appraisal.
— rest may be sold to new settlers.
— not to be sold for less than $1.25 per acre.
— rules for sale of.

Be it enacted, &c.

[SECTION 1], That the Secretary of War is hereby authorized to turn over to the Secretary of the Interior the Fort Harker military reservation in Kansas for sale, as hereinafter provided. Fort Harker military reservation in Kansas to be sold.

SEC. 2. The Secretary of the Interior shall cause said reservation to be appraised as early as practicable, in tracts not exceeding one hundred and sixty acres each, by three competent disinterested persons, who shall be appointed by the Secretary of the Interior, and who shall make said appraisement under oath, and upon the approval of such appraisement by the Secretary, he shall offer said reservation for sale by giving such notice as is now required for the sale of public lands. —to be appraised and offered for sale.

The persons who may have at the date of the passage of this act settled upon and improved said lands, shall have the prior right to purchase the lands so settled upon at the appraised value thereof, not to exceed one hundred and sixty acres, except in the case of a fractional quarter-section to each person, and shall have such reasonable time in which to make payment therefor as the Secretary of the Interior may prescribe. —present settlers on, to have prior right to purchase at appraisal.

Such portion of said reservation as shall not have been settled upon and improved at the date of the passage of this act shall be sold by the Secretary of the Interior to actual settlers, under such regulations as he may prescribe: —rest may be sold to new settlers.

Provided, That no land shall be sold under the provisions of this act for less than one dollar and a quarter per acre nor at a less price than the appraisal thereof. —not to be sold for less than $1.25 per acre.

All sales of land herein provided for shall be made as nearly as practicable under the rules and regulations now existing for disposing of the public lands of the United States. [*June* 15, 1880.] —rules for sale of.

CHAPTER 223.

June 15, 1880.
21 Stat. L., 199.

AN ACT TO ACCEPT AND RATIFY THE AGREEMENT SUBMITTED BY THE CONFEDERATED BANDS OF UTE INDIANS IN COLORADO, FOR THE SALE OF THEIR RESERVATION IN SAID STATE, AND FOR OTHER PURPOSES, AND TO MAKE THE NECESSARY APPROPRIATIONS FOR CARRYING OUT THE SAME.

SECTION

Preamble.
1. Agreement with Ute Indians in Colorado ratified, except, &c.
Addition to first clause.
— to third clause; schools.
Annuities.
Addition to fifth clause.
Members to sign agreement.
Indians not to be removed from lands claimed in severalty.
Terms of agreement.
Conditions.
2. Commissioners; compensation, expenses.
Clerk; his salary, bond, duties.
Improvements on lands surrendered to be appraised.
Census of Indians.
— particulars of.
Lands to be allotted in severalty.
Commissioners to make report.
— to make map and survey.
— report number of acres allotted, &c.
— to locate agencies, estimate cost of houses, school-houses, &c.
— to supervise expenditures, render accounts, &c.
3. Land to be surveyed for settlement in severalty.
Allotments of land in severalty.
Lands released to United States to be sold.
Lands not subject to homestead entry, but to be sold for cash, &c.; money how disposed of.
Subdivisions on which are improvements to be sold at auction.
4. Indians patenting allotments to have equal rights of citizenship.
— lands of; how not taxable.
5. Trust fund; interest to be paid each Indian annually.
6. Salaries continued.
Distribution of money to Indians who distinguish themselves for energy, &c.
7. Laws relating to Indians to apply.
8. Springs in Uncompahgre Valley and four square miles of land reserved.
9. Appropriations.
10. Ratification.

Preamble.

Whereas certain of the chiefs and headmen of the confederated bands of the Ute tribe of Indians, now present in the city of Washington, have agreed upon and submitted to the Secretary of the Interior an agreement for the sale to the United States of their present reservation in the State of Colorado, their settlement upon lands in severalty, and for other purposes; and

Whereas the President of the United States has submitted said agreement, with his approval of the same, to the Congress of the United States for acceptance and ratification, and for the necessary legislation to carry the same into effect: Therefore

Be it enacted, &c.

Agreement with Ute Indians in Colorado ratified, except, &c.

[SECTION 1], That said agreement be, and the same is hereby, accepted, ratified, and confirmed:

Addition to first clause.

Provided, That the said agreement shall be amended by adding to the first clause thereof, after the words "guilty parties", the words following, to wit: "Until such surrender or apprehension, or until the President shall be satisfied that the guilty parties are no longer living or have fled beyond the limits of the United States, the proportion of the money, hereinafter provided, coming to that portion of the Ute Indians known as the White River Utes, except for removal and settlement, shall not be paid";

— to third clause: schools.

And by adding to the third express condition of said agreement after the word "forever", the words following, to wit:

Provided, That the President of the United States may, in his discretion, appropriate an amount thereof, not exceeding ten thousand dollars, for the education in schools established within or beyond the limits of the lands selected, of such youths of both sexes as in his judgment may be best qualified to make proficiency in practical industries and pursuits necessary for their self-support;

Annuities.

And out of the portion of said moneys coming to the White River Utes, the United States shall pay annually to the following-named persons, during the period of twenty years, if they shall live so long, the following sums respectively: To Mrs. Arivella D. Meeker, five hundred dollars; to Miss Josephine Meeker five hundred dollars; to Mrs. Sophronia Price, five hundred dollars; to Mrs. Maggie Gordon, five hundred dollars; to George Dresser, two hundred dollars; to Mrs. Sarah M. Post, five hundred dollars; to Mrs. Eaton, mother of George Eaton, two hundred dollars; to the parents of Arthur L. Thompson two hundred dollars; to the father of Fred Shepard, two hundred dollars; to the parents of Wilmer Eskridge, two hundred dollars";

And by adding to the fifth express condition of said agreement after word "reaffirmed", the words following to wit: "This sum, together with the annuity of fifty thousand dollars hereinbefore provided, may, in the discretion of Congress, at the end of twenty-five years, be capitalized, and the principal sum be paid to said Indians per capita in lieu of said annuities"; Addition to fifth clause.

And provided also, That three-fourths of the adult male members of said confederated bands shall agree to and sign said agreement, upon presentation of the same to them, in open council, in the manner hereinafter provided: Members to sign agreement.

Provided further, That nothing in this act contained, or in the agreement herein set forth, or in the amendments herein proposed to said agreement, shall be so construed as to compel any Ute Indian to remove from any lands that he or she claims in severalty. Indians not to be removed from lands claimed in severalty.

Said agreement is in words and figures as follows, namely: Terms of agreement.

The chiefs and headmen of the confederated bands of the Utes now present in Washington, hereby promise and agree to procure the surrender, to the United States, for trial and punishment, if found guilty, of those members of their nation, not yet in the custody of the United States, who were implicated in the murder of United States Indian Agent N. C. Meeker and the murder of and outrages upon the employees at the White River Agency on the twenty-ninth day of September, eighteen hundred and seventy-nine, and in case they do not themselves succeed in apprehending the said parties, presumably guilty of the above-mentioned crime, that they will not in any manner obstruct, but faithfully aid, any officers of the United States, directed by the proper authorities, to apprehend such presumably guilty parties.

The said chiefs and headmen of the confederated bands of Utes also agree and promise to use their best endeavors with their people to procure their consent to cede to the United States all the territory of the present Ute Reservation in Colorado, except as hereinafter provided for their settlement.

The Southern Utes agree to remove to and settle upon the unoccupied agricultural lands on the La Plata River, in Colorado; and if there should not be a sufficiency of such lands on the La Plata River and in its vicinity in Colorado, then upon such other unoccupied agricultural lands as may be found on the La Plata River or in its vicinity in New Mexico.

The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.

The White River Utes agree to remove to and settle upon agricultural lands on the Uintah Reservation in Utah.

Allotments in severalty of said lands shall be made as follows:

To each head of a family one-quarter of a section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section.

To each orphan child under eighteen years of age one-eighth of a section, with an additional quantity of grazing land not exceeding one-eighth of a section; and to each other person, under eighteen years, now living, or who may be born prior to said allotments, one-eighth of a section, with a like quantity of grazing land.

All allotments to be made with the advice of the commission hereinafter provided, upon the selection of the Indians, heads of families selecting for their minor children, and the agents making the allotment for each orphan child.

The said chiefs and headmen of the confederated bands of Utes further promise that they will not obstruct or in anywise interfere with travel upon any of the highways now open or hereafter to be opened by lawful authority in or upon any of the lands to be set apart for their use by virtue of this agreement.

The said chiefs and headmen of the confederated bands of Utes promise to obtain the consent of their people to the cession of the territory of their reservation as above on the following express conditions: Conditions.

First. That the Government of the United States cause the lands so set apart to be properly surveyed and to be divided among the said Indians in severalty in the proportion hereinbefore mentioned, and to issue patents in fee simple to them respectively therefor, so soon as the necessary laws are passed by Congress. The title to be acquired by the Indians shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance of the grantee or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty-five years, and until such time thereafter as the President of the United States may see fit to remove the restriction, which shall be incorporated in the patents when issued, and any contract made prior to the removal of such restriction shall be void. First.

Second. That so soon as the consent of the several tribes of the Ute Nation shall have been obtained to the provisions of this agreement, the President of the United States shall cause to be distributed among them in cash the sum of sixty thousand dollars of annuities now due and provided for, and so much more as Congress may Second

Conditions.

appropriate for that purpose; and that a commission shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, and upon such settlement being duly effected, that they are furnished with houses, wagons, agricultural implements, and stock cattle sufficient for their reasonable wants, and also such saw and grist mills as may be necessary to enable them to commence farming operations, and that the money to be appropriated by Congress for that purpose shall be apportioned among the different bands of Utes in the following manner: One-third to those who settle on the La Plata River and vicinity, one-half to those settling on Grand River and vicinity, and one-sixth to those settling on the Uintah Reservation.

Third.

Third. That in consideration of the cession of territory to be made by the said confederated bands of the Ute Nation, the United States, in addition to the annuities and sums for provisions and clothing stipulated and provided for in existing treaties and laws, agrees to set apart and hold, as a perpetual trust for the said Ute Indians, a sum of money, or its equivalent in bonds of the United States, which shall be sufficient to produce the sum of fifty thousand dollars per annum, which sum of fifty thousand dollars shall be distributed per capita to them annually forever.

Fourth.

Fourth. That as soon as the President of the United States may deem it necessary or expedient, the agencies for the Uncompahgres and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.

Fifth.

Treaty of March 2, 1868 (15 Stat. L., 619). 1874, April 29, ch. 136.

Reaffirmed.

Fifth. All provisions of the treaty of March second, eighteen hundred and sixty-eight, and the act of Congress approved April twenty-ninth, eighteen hundred and seventy-four, not altered by this agreement, shall continue in force, and the following words from article three of said act, namely, "The United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum, which sum of twenty-five thousand dollars per annum shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians forever", are hereby expressly reaffirmed.

Sixth.

Sixth. That the commissioners above mentioned shall ascertain what improvements have been made by any member or members of the Ute Nation upon any part of the reservation in Colorado to be ceded to the United States as above, and that payment in cash shall be made to the individuals having made and owning such improvements, upon a fair and liberal valuation of the same by the said commission, taking into consideration the labor bestowed upon the land.

Done at the city of Washington this sixth day of March, anno Domini eighteen hundred and eighty.

Signed * * * * *

Commissioners appointed; compensation, expenses.

SEC. 2. That the President of the United States be, and he is hereby, authorized and empowered to appoint, by and with the advice and consent of the Senate, five commissioners, who shall receive compensation for their services at the rate of ten dollars per diem while actually engaged, in addition to their actual traveling and other necessary expenses; and said commissioners shall, under such instructions as the Secretary of the Interior may give them, present said agreement to the confederated bands of the Ute Indians in open council for ratification, as provided in the first section of this act;

Clerk; his salary, bond, and duties.

And said commissioners shall have a clerk, at a salary of two hundred dollars per month, in addition to his actual traveling and other necessary expenses, and who shall give bond in an amount to be fixed by the Secretary of the Interior, and shall act also as disbursing-officer for said commissioners.

Improvement on lands surrendered to be appraised.

And upon the ratification of said agreement by said tribe as herein provided, said commissioners shall, under the direction of the Secretary of the Interior, appraise the improvements belonging to said Ute Indians upon the lands surrendered by them as provided in said agreement, and report the same to the Secretary of the Interior for settlement.

Census of Indians.

It shall be their duty to take a careful census of said Indians, separating them under said census as follows:

First. Those known in the agreement above referred to as Southern Utes.

Second. Those known as Uncompahgre Utes.

Third. Those known as White River Utes.

—particulars of.

Said census shall also show separately the name of each head of a family, and the number of persons in such family, distinguishing those

over eighteen years of age from those under eighteen years of age, and giving the names of each separately; also, said census shall show separately the orphan children in each of said classes of Utes described in the foregoing agreement, and they shall make an accurate register of the names, ages, occupations, and general condition of each of the above classes as aforesaid, specifying particularly the number and names of said Indians incapable by reason of orphanage, minority, or other disability of managing their own affairs,

Lands to be allotted in severalty.

And they shall also select lands and allot them in severalty to said Indians, as herein provided, and superintend the removal, location, and settlement of the Indians thereon, and do and perform such other services as the Secretary of the Interior may consider necessary for them to do in the execution of the provisions of this act.

Commissioners to make report.

And after the said commissioners shall have performed the duties specifically assigned to them by this act, and such other duties as the Secretary of the Interior may require of them, they shall make a full report of their proceedings to the Secretary of the Interior, which shall set forth, among other things, the name of each person to whom they may have apportioned and allotted lands as herein provided for, with the name and condition of such person, showing who, upon proofs, are considered incompetent to take charge of their property, either as orphans, minors, or for other causes; and shall also exhibit the quantity of land assigned to each person, with the metes and bounds of such allotments.

—to make map and survey.

And said commissioners shall make an accurate map of the whole survey and proceeding, showing the partition and division aforesaid, a copy of which map shall be filed with said report; and the Secretary of the Interior shall cause a copy to be filed in the General Land Office, and copies shall also be filed in the office of the surveyors-general of Utah, Colorado and New Mexico, and also in the office of the register and receiver of the land district in which such lands or any portion of them may be situate.

—to report number of acres allotted, &c.

Said commissioners shall further report the total number of acres allotted and set apart as provided by the foregoing agreement, the amount of such land tillable without irrigation, the amount of irrigation required, and the probable cost thereof.

—to locate agencies, estimate cost of houses, schoolhouses, &c.

They shall also locate the agencies for the Southern Utes and the Uncompahgre Utes, shall furnish an estimate of the number of houses required, the cost of each, the number of school-houses required and the number of teachers, and the number of children of school age, and such other data as the Secretary of the Interior may require to enable him to make judicious expenditure of the money appropriated in section nine of this act;

—to supervise expenditures, render accounts, &c.

And said commissioners shall exercise direct supervision and control of all expenditures under this act during the time they remain in the Ute country, under the general direction of the Secretary of the Interior; and they shall render a full and detailed account of such expenditure, with the vouchers therefor, as now provided by law.

Land to be surveyed for settlement in severalty.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed, under the direction of said commissioners, a sufficient quantity of land in the vicinities named in said agreement, to secure the settlement in severalty of said Indians as therein provided.

Allotments of land in severalty.

And upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions and limitations mentioned therein as are provided in said agreement;

Lands released to United States to be sold.

And all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this ac-

ceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, at the same price and on the same terms as other lands of like character, except as provided in this act:

Lands not subject to homestead entry, but to be sold for cash, &c.; money how disposed of.

Provided, That none of said lands, whether mineral or otherwise, shall be liable to entry and settlement under the provisions of the homestead law; but shall be subject to cash entry only in accordance with existing law; and when sold the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. And the remainder, if any, shall be deposited in the Treasury as now provided by law for the benefit of the said Indians, in the proportion hereinbefore stated, and the interest thereon shall be distributed annually to them in the same manner as the funds provided for in this act:

Subdivisions on which are improvements to be sold at auction.

Provided further, That the subdivisions upon which are located improvements to be appraised, as provided for in section two of this act, shall be offered to the highest bidder at public sale, after published notice of at least thirty days by the Secretary of the Interior, and the same shall be absolutely reserved from occupation or claim until so sold.

Indians patenting allotments to have equal rights of citizenship. R. S., § 1977.

SEC. 4. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every of the said Indians shall be subject to the provisions of section nineteen hundred and seventy-seven of the Revised Statutes and to the laws, both civil and criminal, of the State or Territory in which they may reside, with the right to sue and be sued in the courts thereof:

—lands of; how not taxable.

Provided, That their lands and personal property shall not be subject to taxation or execution upon the judgment, order, or decree of any court obtained on any cause of action which may arise during the period named in the above recited agreement.

Trust fund; interest to be paid each Indian annually.

SEC. 5. That the Secretary of the Treasury shall, out of any moneys in the Treasury not otherwise appropriated, set apart, and hold as a perpetual trust-fund for said Ute Indians, an amount of money sufficient at four per centum to produce annually fifty thousand dollars, which interest shall be paid to them per capita in cash, annually, as provided in said agreement.

Salaries continued.

SEC. 6. That all salaries paid to any member or members of the Ute tribe under existing treaty stipulations shall be continued for the term of ten years beyond the time fixed in said treaties.

Distribution of money to Indians who distinguish themselves for energy, &c.

And the sum of four thousand dollars per annum for the term of ten years shall be distributed by the President at his discretion to such of said Indians as distinguish themselves by good sense, energy, and perseverance in the pursuits of civilized life, and in the promotion of a good understanding between the Indians and the Government and people of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, four thousand dollars as the first installment for such purpose.

Laws relating to Indians to apply. R. S., §§ 2039–2157.

SEC. 7. That the provisions of title twenty-eight of the Revised Statutes shall extend over and be applicable to every allotment of land provided for in the foregoing agreement, and to the administration of the affairs of said Indians, so far as said provisions can be made applicable thereto.

Springs in Uncompahgre Valley and four square miles of land reserved, &c. R. S., §§ 2474, 2475.

SEC. 8. That the hot springs located in what is known as "The Uncompahgre Park", in the Uncompahgre Valley, and four square miles of land surrounding said springs and within said valley, are hereby reserved, and withdrawn from settlement, occupancy, or sale, under the laws of the United States, and dedicated and set apart for the benefit and enjoyment of the people; and, so far as practicable, the provisions

of sections twenty-four hundred and seventy-four and twenty-four hundred and seventy-five, of the Revised Statutes, are hereby made applicable to said tract.

Appropriations.

SEC. 9. That for the purpose of carrying the provisions of this act into effect, the following sums, or so much thereof as may be necessary, be, and they are hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Interior as follows, namely:

For the payment of the expenses of the commissioners herein provided, the sum of twenty-five thousand dollars.

For the cost of removal and settlement of the Utes, surveying their lands, building houses, establishing schools, building mills and agency buildings, purchasing stock, agricultural implements, and so forth, as provided in said agreement and in this act, the sum of three hundred and fifty thousand dollars.

For the sum to be paid to said Ute Indians, per capita, in addition to the sixty thousand dollars now due and provided for, the sum of fifteen thousand dollars.

For the payment of the appraised value of individual improvements as provided herein, the sum of twenty thousand dollars.

For the care and support of the Ute Indians in Colorado for the balance of the current fiscal year, the sum of twelve thousand dollars:

—when available.

Provided, That with the exception of the appropriation for expenses of the commissioners, the above appropriations shall become available only upon the ratification of said agreement by three-fourths of the male adult members of the Ute Indians as provided in this act, and the certification of such fact to the Secretary of the Treasury by the Secretary of the Interior.

Ratification.

SEC. 10. If the agreement as amended in this act is not ratified by three-fourths of the adult male Indians of the Ute tribes within four months from the approval of this act the same shall cease to be of effect after that day.(1) [*June* 15, 1880.]

NOTE.—(1) The agreement as amended by this act was ratified by three-fourths of the adult male Indians of the Ute tribes within the time limited by this section.

CHAPTER 225.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 15, 1880.
21 Stat. L., 210.

Par. 1. Rates of pay for folding books, pamphlets, &c.
Par. 2. Secretary of Treasury to report annually amount received for fines, penalties, &c., and how expended.
Par. 3. Departments may rent buildings in District of Columbia, in certain cases.

Be it enacted, &c.

* * * * * * *

Rates of pay for folding, books, pamphlets, &c.
1876, Aug. 15, ch. 287, § 1, par. 1.

[*Par.* 1.] And the following prices may be paid for folding books, pamphlets, speeches, and the Daily Record, namely: For quarto volumes, not exceeding one cent per volume; for octavo volumes, not exceeding one-half cent each per volume; for the Daily Record, not exceeding two dollars per thousand; and for speeches not exceeding one dollar per thousand.

* * * * * * *

Secretary of Treasury to report annually amount received for fines, penalties, &c., and how expended.
R. S., § 3687.

[*Par.* 2.] And the Secretary of the Treasury shall make to Congress each year * * * a statement giving the amount received under section thirty-six hundred and eighty-seven of the Revised Statutes, and also a statement showing in detail how the money appropriated under said section has been expended.

* * * * * * *

Departments may rent buildings in District Columbia in certain cases.
1874, June 22, ch. 388, par. 4.
1877, March 3, ch. 106.

[*Par.* 3.] And where buildings are now rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That no increase in the number of buildings now in use, nor in the amounts paid for rents, shall result therefrom.

* * * * * * *

[*June* 15, 1880.]

CHAPTER 227.

June 15, 1880.

AN ACT RELATING TO THE PUBLIC LANDS OF THE UNITED STATES.

21 Stat. L., 237.

SECTION
1. Suits and prosecutions not to be maintained for trespasses, &c., committed before March, 1879, on public lands entered and paid for, &c.
2. Persons who have entered public lands for homestead, under pre-existing laws, or their assigns, may have patent on payment of price.
3. Certain alternate sections of railway-grant lands reduced in price.
4. Act not to apply to mineral lands, nor to trespassers after March, 1879.

Be it enacted, &c.

Suits and prosecutions not to be maintained for trespasses, &c., committed before March, 1879, on public lands entered and paid for, &c.

[SECTION 1], That when any lands of the United States shall have been entered and the Government price paid therefor in full no criminal suit or proceeding by or in the name of the United States shall thereafter be had or further maintained for any trespasses upon or for or on account of any material taken from said lands and no civil suit or proceeding shall be had or further maintained for or on account of any trespasses upon or material taken from the said lands of the United States in the ordinary clearing of land, in working a mining claim or for agricultural or domestic purposes or for maintaining improvements upon the land of any bona fide settler or for or on account of any timber or material taken or used by any person without fault or knowledge of the trespass or for or on account of any timber taken or used without fraud or collusion by any person who in good faith paid the officers or agents of the United States for the same or for or on account of any alleged conspiracy in relation thereto:

Provided, That the provisions of this section shall apply only to trespasses and acts done or committed and conspiracies entered into prior to March first, eighteen hundred and seventy-nine:

And provided further, That defendants in such suits or proceedings shall exhibit to the proper courts or officer the evidence of such entry and payment and shall pay all costs accrued up to the time of such entry.

Persons who have entered public lands for homestead under pre-existing laws, or their assigns, may have patent on paying price.

SEC. 2. That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the right of those having so entered for homesteads, may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said lands by paying the government price therefor, and in no case less than one dollar and twenty-five cents per acre, and the amount heretofore paid the government upon said lands shall be taken as part payment of said price:

Provided, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

Certain alternate sections of railroad-grant lands reduced in price to $1.25 per acre.
R. S., § 2357.

SEC. 3. That the price of lands now subject to entry which were raised to two dollars and fifty cents per acre, and put in market prior to January, eighteen hundred and sixty one, by reason of the grant of alternate sections for railroad purposes is hereby reduced to one dollar and twenty-five cents per acre.

Act not to apply to mineral lands, nor to trespasses after March, 1879.

SEC. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespass committed or material taken from any of the public lands after March first, eighteen hundred and seventy-nine shall be entitled to the benefit thereof. [*June* 15, 1880.]

CHAPTER 235.

AN ACT MAKING APPROPRIATIONS FOR THE SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 16, 1880.
21 Stat. L., 259.

Par. 1. Commercial reports printed by State Department may be sold.
Par. 2. Who may be admitted to Hospital for Insane in District of Columbia.
Par. 3. Work of Entomological Commission to be under Agricultural Department.
Par. 4. Territories may provide for care and custody of convicts in any other Territory or State.
—United States not to pay expense.

Be it enacted, &c.

* * * * * * *

UNDER THE DEPARTMENT OF STATE.

* * * * * * *

[*Par.* 1.] That the sum of fourteen thousand three hundred dollars be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for printing and distributing more frequently the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, seven thousand dollars:

Commercial reports printed by State Department may be sold.
R. S., § 211.

Provided, That such publications may be sold at such rates as may be fixed by said department, and the proceeds of all sales to be paid into the Treasury;

* * * * * * *

GOVERNMENT HOSPITAL FOR THE INSANE.

* * * * * * *

[*Par.* 2.] That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title fifty-nine, chapter four, of the Revised Statutes of the United States, and under the act approved March third, eighteen hundred and seventy-five, chapter one hundred and fifty-six, second session, Forty-third Congress.

Who may be admitted to Hospital for Insane in District of Columbia.
R. S., §§ 4843–4854.
1875, March 3, ch. 156, § 5.

* * * * * * *

ENTOMOLOGICAL COMMISSION.

[*Par.* 3.] For the completion of the work of the United States Entomological Commission under the Department of the Interior in the special investigation of the Rocky Mountain locust or grasshopper and the cotton-worm, the sum of twenty-five thousand dollars, to be immediately available:

Provided, That after the close of the next fiscal year all work of the character herein provided for shall be exclusively under the control of the Agricultural Department, and all operations under the Interior Department shall be fully and finally closed before the thirtieth day of June, eighteen hundred and eighty-one.

Work of Entomological Commission to be under Agricultural Department.
R. S., §§ 520–529.

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UNDER THE DEPARTMENT OF JUSTICE.—MISCELLANEOUS.

* * * * * * *

[*Par.* 4.] That the legislative assemblies of the several Territories of the United States may make such provision for the care and custody of such persons as may be convicted of crime under the laws of such Territory as they shall deem proper, and for that purpose may authorize and contract for the care and custody of such convicts in any other Territory or State, and provide that such person or persons may be sentenced to confinement accordingly in such other Territory or State, and all existing legislative enactments of any of the Territories for that purpose are hereby legalized:

Territories may provide for care and custody of convicts in any other Territory or State.
R. S., § 1892.

Provided, That the expense of keeping such prisoners shall be borne by the respective Territories, and no part thereof shall be borne by the United States.

United States not to pay expense.
1874, June 20, ch. 332, § 2.

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CHAPTER 236.

June 16, 1880.
21 Stat. L., 281.

AN ACT TO INCREASE THE PENSIONS OF CERTAIN PENSIONED SOLDIERS AND SAILORS WHO ARE UTTERLY HELPLESS FROM INJURIES RECEIVED OR DISEASE CONTRACTED WHILE IN THE UNITED STATES SERVICE.

SECTION
1. Pensions of persons permanently disabled in military service increased to $72 a month.
SECTION
2. —to date from June 17, 1878.

Be it enacted, &c.

Pensions of persons permanently disabled increased to $72 a month.
R. S., §§ 4698, 4698½.
1874, June 18, ch. 298.
16 Opin. Att'y-Gen., 594.

[SECTION 1], That all soldiers and sailors who are now receiving a pension of fifty dollars per month, under the provisions of an act entitled "An act to increase the pension of soldiers and sailors who have been totally disabled", approved June eighteenth, eighteen hundred and seventy-four, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid them in the same manner as pensions are now paid to such persons, the sum of seventy two dollars per month.

—to date from June 17, 1878.

SEC. 2. All pensioners whose pensions shall be increased by the provisions of this act from fifty dollars per month to seventy two dollars per month shall be paid the difference between said sums monthly, from June seventeenth, eighteen hundred and seventy eight, to the time of the taking effect of this act. [*June* 16, 1880.]

CHAPTER 239.

June 16, 1880.
21 Stat. L., 283.

AN ACT TO CONSTITUTE THE CITY OF PORTSMOUTH, IN THE STATE OF OHIO, A PORT OF DELIVERY.

Portsmouth, Ohio, a port of delivery in collection district of New Orleans, La.
Surveyor to be appointed.
Collector's salary.

Portsmouth, Ohio, a port of delivery in collection district of New Orleans, La.
R. S., §§ 2568, 2570, 2822–2831.

Be it enacted, &c., That the city of Portsmouth, in the State of Ohio, shall be, and is hereby, constituted a port of delivery within the collection-district of New Orleans, and shall be subject to the same regulations and restrictions as other ports of delivery in the United States; and all the privileges and facilities afforded by the act of Congress of the second of March, in the year of our Lord one thousand eight hundred and thirty-one entitled "An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, to be secured and paid at those places",(1) shall be extended to said port.

Surveyor to be appointed.
R. S., §§ 2569, 2619, 2656, 2708, 4186, 4381.
1877, Feb. 27, ch. 69, par. 69.

A surveyor of customs shall be appointed to reside at said port, and perform the duties prescribed by law, who shall receive such compensation now provided, or which may hereafter be provided, by law, for surveyors of the same grade:

Collector's salary.

Provided, That the salary of the collector shall not exceed the net fees collected according to law at said port. [*June* 16, 1880.]

NOTE.—(1) The act of 1831, March 2, ch. 87 (4 Stat. L., 490), here referred to, was repealed by the Revised Statutes into which its provisions are incorporated. Those provisions, so far as this act appears to relate to them, may be found in Revised Statutes, §§ 2568, 2570, 2822–2831.

CHAPTER 240.

June 16, 1880.
21 Stat. L., 283.

AN ACT FOR THE RELIEF OF THE FIFTEENTH AND SIXTEENTH MISSOURI CAVALRY VOLUNTEERS.

SECTION
1. Bounty to enlisted men of Fifteenth and Sixteenth Missouri Cavalry.
2. — payable to widow or other relative in case of death of soldier.
SECTION
Appropriation.

Be it enacted, &c.

Bounty to enlisted men of Fifteenth and Sixteenth Missouri Cavalry.

[SECTION 1], That the proper accounting officers of the Treasury be, and they hereby are, directed to pay bounty to the enlisted men of the Fifteenth and Sixteenth Missouri Cavalry Volunteers who served during the late rebellion, as follows, to wit;

To those who served the full period of one year, or more, the sum of one hundred dollars; to those who served the full period of six months, but less than one year, the sum of sixty-six dollars and sixty-six cents; to those who served a less period than six months, the sum of thirty-three dollars and thirty three cents.

—payable to widow or other relatives in case of death of soldier.

SEC. 2. That in case of the death of the soldier, who if living would be entitled under the first section of this act, then the said sum or sums that would be due to said soldier if living shall be paid to his widow; and if there be no widow, then to his child or children; and if there be none, then to his mother if she be a widow.

Appropriation.

And so much money as may be necessary to carry this law into effect is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*June* 16, 1880.]

CHAPTER 242.

AN ACT CREATING YAKIMA LAND-DISTRICT IN WASHINGTON TERRITORY.

June 16, 1880.

21 Stat. L., 283.

SECTION
1. Yakima land district in Washington Territory created and bounded.
2. —register and receiver for.
3. —application, unfinished business, &c., in other districts for land in, to be transferred to.

Be it enacted, &c.

Yakima land district in Washington Territory created and bounded.

R. S., § 2256, 2d ed., p. 406.

[SECTION 1], That all that portion of Washington Territory bounded by a line commencing at a point of the intersection of the line between townships six and seven north, and between ranges twenty-seven and twenty-eight east of the Willamette meridian; and running westerly along said line between townships six and seven north to the summit of the Cascade Mountains; thence northerly along said summit to the boundary line between the United States and British Columbia; thence east along said line to the Columbia guide meridian; thence south on said meridian to the line between townships sixteen and seventeen north; thence west along said line to the line between ranges twenty-seven and twenty-eight east; thence south along said line to the place of beginning, shall constitute a separate land district, to be called the Yakima land district, the office of which shall be located at Yakima City therein.

—register and receiver for.

R. S., § 2234.

SEC. 2. That the President shall appoint, by and with the advice and consent of the Senate, or during the recess thereof, a register and a receiver of public moneys for said district; and said officers shall reside in the place where said land office is located, and shall have the same powers and responsibilities, and shall receive the same fees and emoluments, as the like officers now receive in the other land-offices in said Territory.

—applications, unfinished business, &c., in other districts, for land in, to be transferred to.

SEC. 3. That all persons in said district who, prior to the opening of said Yakima land-office, shall have filed their declaritory statements or applications for pre-emption, homestead, or other land rights, in any other land-office in said Territory of Washington, shall hereafter make proofs and entries at said Yakima land-office; and all unfinished business in any other land-office relating exclusively to lands in said Yakima land district shall be transferred to said Yakima land-office when notified by the officers of the opening thereof. [*June* 16, 1880.]

CHAPTER 243.

June 16, 1880.
21 Stat. L., 284.

AN ACT TO PROVIDE FOR THE SETTLEMENT OF ALL OUTSTANDING CLAIMS AGAINST THE DISTRICT OF COLUMBIA, AND CONFERRING JURISDICTION ON THE COURT OF CLAIMS TO HEAR THE SAME, AND FOR OTHER PURPOSES.

SECTION

1. Court of Claims to have jurisdiction of certain claims against District of Columbia.
Procedure.
Additional rules.
Reference; report and compensation of referee.
2. Method of prosecution of claims.
Regulations for appeals.
Claims must be filed within six months after passage of this act.
Certificates, evidence, &c., to be deposited in court on application of claimants.
Consolidation of cases.
3. Attorney-General to defend suits.
4. Laws in force to apply, &c.
New trials.
Witnesses.
5. Payment of judgments.
Certificate of judgment.
6. Method of payment prescribed.
Certain coupons to be detached from bonds.
Gross amount of bonds limited.
Bonds to be no more binding on United States than by former law.
7. Prosecution of cases.
Attorney-General may place cases on calendar.
— may move to dismiss if not prosecuted.
Judgment under such motion to be final bar.
Judgments to be paid as presented.
8. Claims rejected by board of audit not to be considered.
9. Outstanding certificates of board of audit may be redeemed by United States Treasurer.
10. Suits pending not prejudiced by this act.

Be it enacted, &c.

Court to have jurisdiction of claims against District.
R. S., § 1059.

[SECTION 1], That the jurisdiction of the Court of Claims is hereby extended to, and it shall have original legal and equitable jurisdiction of,

—on contracts of board of public works, &c.

All claims now existing against the District of Columbia arising out of contracts, made by the late Board of Public Works, and extensions thereof made by the Commissioners of the District of Columbia,

—of Commissioners since June 20, 1874.

And such claims as have arisen out of contracts made by the District Commissioners since the passage of the act of June twentieth, eighteen hundred and seventy-four,

—of claims for work done by order of Commissioners prior to March 14, 1876.

And of all claims for work done by the order or direction of the said Commissioners, and accepted by them for the use, purposes or benefit of the said District of Columbia, and prior to the fourteenth day of March, eighteen hundred and seventy-six;

—of auditor's certificates.

And all certificates of the auditor of said Board of Public Works,

—of auditor's and comptroller's certificates.

All certificates issued by the auditor and comptroller of the District of Columbia,

—of contracts of levy court.

All claims based on contracts made by the Levy Court,

—of sewer certificates; sewer taxes.
Fendall's case, 16 Ct. Cls., —.

All sewer certificates, all sewer taxes not heretofore converted into three-sixty-five bonds,

—of measurements of work under contracts made since February 21, 1871, for which no certificates have been issued.

All measurements made by the engineers of said District of work done under contracts made since February twenty-first, eighteen hundred and seventy-one, for which no certificates have been issued to and received by the contractor or his assignee which certificates shall be prima facie evidence of the amount of work done,

—of contracts of board of public works for which no certificates have been issued.

All claims based upon contracts made by the Board of Public Works for which no evidence of indebtedness has been issued.

Procedure.

Said Court of Claims shall have the same power, proceed in the same manner, and be governed by the same rules, in respect to the mode of hearing, adjudication, and determination of said claims, as it now has in relation to the adjudication of claims against the United States:

Additional rules.

Provided, Said court may make such additional rules as may be necessary to save costs and prevent delays in the prosecution of such claims.

Reference.

When the trial of any claim against the District of Columbia, prosecuted under the provisions of this act, involves the taking and stating of a long account, or the making of measurements or computations involving the services of engineers, said court shall have power to award a reference to a competent referee to take and state such account, or to

the engineer commissioner of the District to make and report such measurements and computations;

And said referee or engineer shall report to the court the evidence taken by him for the information of said court, and any such referee shall be allowed such compensation for his services as the court may determine, not exceeding ten dollars per day for time actually employed to be paid on the order of the court by the Secretary of the Treasury and charged to the account of the District of Columbia. Report and compensation of referee.

SEC. 2. All such claims against the District of Columbia shall, in the first instance, be prosecuted before the Court of Claims by the contractor his personal representatives or his assignee, in the same manner and subject to the same rules so far as applicable as claims against the United States are prosecuted therein, or to such other rules as the court shall prescribe. Method of prosecution of claims.

In any case if before trial either party requests in writing a finding of facts by the court, there shall be the same right of appeal, either by the District of Columbia or by the claimant, and subject to the same rules and regulations, as are prescribed by law for appeals on behalf of the United States or claimants against the United States from the judgments of the Court of Claims: Regulations for appeals. R. S., §§ 707, 708.

Provided, That the prosecution of all such claims shall be commenced in the Court of Claims by the filing of the petition of the claimant, as required by the rules and practice of said court, within six months from the passage of this act; and all such claims against the District of Columbia now existing, and not so filed within said time shall be forever barred, except in cases of claims owned and held by persons under legal disabilities, in which case such claims shall be in like manner barred unless commenced as aforesaid within six months after the expiration of such disability: Claims must be filed within six months after passage of this act.

Provided, That all certificates, measurements, or other evidence of indebtedness, in the custody of the Commissioners of the District of Columbia, shall be deposited with the Court of Claims, upon the application of any claimant. Certificates, evidence, &c., to be deposited in court on application of claimants.

When the validity of a number of claims depends substantially upon a like state of facts, they may be brought before the court in one petition in which all parties are joined, and may be tried together under such rules as the court may prescribe, and such judgments may be entered therein as the court may determine; and cases of like kind may be consolidated and tried together whenever the court so orders. Consolidation of cases.

SEC. 3. The Attorney-General of the United States shall have authority, and it shall be his duty, to defend the District of Columbia against all such claims against said District of Columbia prosecuted in said Court of Claims, and on appeal, in like manner as he is now by law required to defend the United States in said court, with the same power to interpose counter claims and offsets against claims and defences for fraud practiced or attempted and all other legal defences, and with like power of appeal as in cases against the United States tried in said court. Attorney-General to defend suits.

SEC. 4. All laws now in force relating to prosecutions of Claims against the United States in the Court of Claims shall apply, as far as applicable, to the prosecution, practice, hearing, and determination of claims against the District of Columbia authorized to be prosecuted under the provisions of this act: Laws in force to apply so far as applicable.

Provided, That motions for new trials shall be made by either party within twenty days after the rendition of any judgment: New trials.

And provided further, That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same. Witnesses. R. S., § 1079.

SEC. 5. If no appeal be taken from the judgment and determination of the Court of Claims in cases provided for in this act within the term limited by law for appealing from the judgments of said court, and in all cases of final judgments by the Court of Claims, or on appeal by the Supreme Court where the same are affirmed in favor of the claimant, Payment of judgments.

the sum due thereby shall be paid, as hereinafter provided, by the Secretary of the Treasury:

Certificate of judgment.

Provided, That no payment shall be made except upon the presentation to the Secretary of the Treasury of a copy of said judgment certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by [by] the presiding judge of said court.

Method of payment prescribed. 1874, June 20, ch. 337, § 7. 1875, Feb. 20, ch. 94. 1881, March 3, ch. 134, par. 4.

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking fund commissioner of the District of Columbia so many of the three sixty-five bonds authorized by act of Congress approved June twentieth, eighteen hundred and seventy-four, and acts amendatory thereof as may be necessary for the payment of the judgments, and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of three sixty-five bonds required to satisfy the judgments; which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date August first, eighteen hundred and seventy-four, and mature at the same time as other bonds of this issue:

Certain coupons on bonds to be detached. *See Fendall's case*, 16 Ct. Cls., —.

Provided, That before the delivery of such bonds as are issued in payment of judgments rendered as aforesaid on the claims aforesaid, the coupons shall be detached therefrom from the date of said bonds to the day upon which such claims were due and payable;

Gross amount of bonds limited.

And the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate fifteen millions of dollars:

Bonds to be no more binding on United States than by former act. 1874, June 20, ch. 337, § 7.

Provided, The bonds issued by authority of this act shall be of no more binding force as to their payment on the Government of the United States than the three sixty-five bonds issued under authority of the act of June twentieth, eighteen hundred and seventy-four.

Prosecution of cases.

SEC. 7. In all cases prosecuted under the provisions of this act it shall be the duty of the claimant, after the commencement of said actions, to prosecute them in said court diligently;

Attorney-General may place cases on calendar.

And after any issue of law or of fact shall be joined in any case, the Attorney-General shall have power to place the same on the trial calendar of said court for trial;

—may move to dismiss if not prosecuted.

And in all cases when any case has been reached in its order on the calendar, and the trial thereof has been unreasonably delayed by the claimant, the said court may, on motion of the Attorney-General, on notice to the claimant, or his counsel, attorney, or solicitor, dismiss said claim;

Judgment under such motion to be final bar.

And such dismissal or final judgment on any claim shall be a conclusive bar against any further prosecution of such claim before any court or tribunal whatsoever.

Judgment to be paid as presented.

The Secretary of the Treasury shall pay, according to the provisions of this act, the said judgments from time to time as they may be presented.

Claims rejected by board of audit not to be considered.

SEC. 8. No claim shall be presented to, or considered by the Court of Claims under the provisions of this act which was rejected by the Board of Audit.

Outstanding certificates of the board of audit may be redeemed by United States Treasurer. 1874, June 20, ch. 337, § 7. 1875, Feb. 20, ch. 94. 1879, March 3, ch. 182, § 3.

SEC. 9. That the Treasurer of the United States as ex-officio sinking-fund commissioner of the District of Columbia is hereby authorized and directed to redeem the outstanding certificates of the late Board of Audit, created by the act approved June twentieth, eighteen hundred and seventy-four, with the interest accrued on said certificates by issuing and delivering to the owners or holders of such certificates, bonds of the District of Columbia as provided in section seven of the act approved June twentieth, eighteen hundred and seventy-four, entitled, "An act for the government of the District of Columbia, and for other purposes", and acts amendatory thereof, said bonds to bear the same date, same rate of interest, and interest and principal be payable at same time, and subject to all the conditions, pledges of faith, and exemptions as the bonds authorized to be issued by the said seventh section of said act, and shall be signed by the said treasurer as ex-officio sinking-fund com-

missioner of the District of Columbia, and numbered, countersigned, sealed and registered as the said seventh section of said act prescribes detaching all coupons from said bonds up to the date of such certificates.

Suits pending not prejudiced by this act.

SEC. 10. No suit now pending for the collection of any claim based upon a contract or extension of contract hereinbefore mentioned in the supreme court of the District of Columbia shall be in any manner prejudiced by the provisions of this act. [*June* 16, 1880.]

CHAPTER 244.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON THE PUBLIC LANDS, AND TO PROVIDE FOR THE REPAYMENT OF CERTAIN FEES, PURCHASE MONEY AND COMMISSIONS PAID ON VOID ENTRIES OF PUBLIC LANDS.

June 16, 1880.
21 Stat. L., 287.

SECTION
1. Persons who have paid fees, &c., for certain entries of soldiers' and sailors' homesteads which have proved void, to have money refunded.
2. Where entries on public lands are canceled, or not confirmed, fees and purchase money, &c., to be refunded, &c.

SECTION
Refund of excess when parties have paid double price for what were erroneously supposed to be alternate railroad sections.
3. Appropriation.
4. Rules by Commissioner.
Warrants for payment.

Be it enacted, &c.

Persons who have paid fees, &c., for certain entries of soldiers' and sailors' homesteads which have proved void, to have money refunded.
R. S., § 2306.

[SECTION 1], That in all cases where it shall, upon due proof being made, appear to the satisfaction of the Secretary of the Interior that innocent parties have paid the fees and commissions and excess payments required upon the location of claims under the act entitled "An act to amend an act entitled 'An act to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States', and amendments thereto", approved March third eighteen hundred and seventy-three, and now incorporated in section twenty-three hundred and six of the Revised Statutes of the United States, which said claims were, after such location, found to be fraudulent and void, and the entries or locations made thereon canceled, the Secretary of the Interior is authorized to repay to such innocent parties the fees and commissions, and excess payments paid by them, upon the surrender of the receipts issued therefor by the receivers of public moneys, out of any money in the Treasury not otherwise appropriated, and shall be payable out of the appropriation to refund purchase-money on lands erroneously sold by the United States.

Where entries on public lands are canceled or not confirmed, fees and purchase money, &c., to be refunded, &c.

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and cannot be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office,

Refund of excess when parties have paid double price for what were erroneously supposed to be alternate railroad sections.
R. S., § 2357.

And in all cases where parties have paid double-minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of one dollar and twenty-five cents per acre shall in like manner be repaid to the purchaser thereof, or to his heirs or assigns.

Appropriation.

SEC. 3. The Secretary of the Interior is authorized to make the payments herein provided for, out of any money in the Treasury not otherwise appropriated.

Rules by the Commissioner.

SEC. 4. The Commissioner of the General Land Office shall make all necessary rules, and issue all necessary instructions, to carry the provisions of this act into effect;

Warrants for payment.

And for the repayment of the purchase money and fees herein provided for the Secretary of the Interior shall draw his warrant on the Treasury and the same shall be paid without regard to the date of the cancellation of the entries. [*June* 16, 1880.]

CHAPTER 245.

June 16, 1880.
21 Stat. L., 287.

AN ACT TO GRANT THE STATE OF NEVADA LANDS IN LIEU OF THE SIXTEENTH AND THIRTY-SIXTH SECTIONS IN SAID STATE.

SECTION
Preamble.
Act of Nevada accepting a grant of land in lieu of sixteenth and thirty-sixth sections.
1. Land granted to Nevada instead of those sections.
2. — how selected.
3. — how disposed of.
Disposition of proceeds of.
4. When act takes effect.

Preamble.

Whereas, the legislature of the State of Nevada on March eighth, eighteen hundred and seventy-nine, passed an act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections therein, and relinquishing to the United States all such sixteenth and thirty-sixth sections in said State as have not been heretofore sold or disposed of by said State, and which act of said State is in words as follows, to wit:

Act of Nevada accepting a grant of land in lieu of sixteenth and thirty-sixth sections.

"An act accepting from the United States a grant of two millions or more acres of land in lieu of the sixteenth and thirty-sixth sections, and relinquishing to the United States all such sixteenth and thirty-sixth sections as have not been sold or disposed of by the State.

"The people of the State of Nevada represented in Senate and assembly do enact as follows:

SECTION. 1. The State of Nevada hereby accepts from the United States not less than two millions of acres of land in the State of Nevada in lieu of the sixteenth and thirty-sixth sections heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by the State prior to the enactment of any such law of Congress granting such two millions or more acres of land to the State shall not be changed or vitiated in consequence of or by virtue of such act of Congress granting such two millions or more acres of land, or in consequence of or by virtue of this act surrendering and relinquishing to the United States the sixteenth and thirty-sixth sections unsold or undisposed of at the time such grant is made by the United States.

"SEC. 2. The State of Nevada, in consideration of such grant of two millions or more acres of land by the United States, hereby relinquishes and surrenders to the United States all its claim and title to such sixteenth and thirty-sixth sections in the State of Nevada heretofore granted by the United States as shall not have been sold or disposed of subsequent to the passage of any act of Congress that may hereafter be made granting such two millions or more acres of land to the State of Nevada: *Provided*, That the State of Nevada shall have the right to select the two millions or more acres of land mentioned in the act":

Therefore,

Be it enacted, &c.

Land granted to Nevada instead of sixteenth and thirty-sixth sections.

[SECTION 1], That there be, and are hereby, granted to the State of Nevada two million acres of land in said State in lieu of the sixteenth and thirty-sixth sections of land heretofore granted to the State of Nevada by the United States: *Provided*, That the title of the State and its grantees to such sixteenth and thirty-sixth sections as may have been sold or disposed of by said State prior to the passage of this act shall not be changed or vitiated in consequence of or by virtue of this act.

— how selected.

SEC. 2. The lands herein granted shall be selected by the State authorities of said State from any unappropriated, non-mineral, public land in said State, in quantities not less than the smallest legal subdivision; and when selected in conformity with the terms of this act the same shall be duly certified to said State by the Commissioner of the General Land Office and approved by the Secretary of the Interior.

— how disposed of.

SEC. 3. The lands herein granted shall be disposed of under such laws, rules, and regulations as may be prescribed by the legislature of the State of Nevada:

Provided, That the proceeds of the sale thereof shall be dedicated to the same purposes as heretofore provided in the grant of the sixteenth and thirty-sixth sections made to said State. —disposition of proceeds of.

SEC. 4. This act shall take effect from and after its passage. [*June 16, 1880.*] When act takes effect.

CHAPTER 246.

AN ACT FOR THE ESTABLISHMENT OF TITLES IN HOT SPRINGS, AND FOR OTHER PURPOSES.

June 16, 1880.

21 Stat. L., 288.

SECTION
1. Hot Springs lots may be purchased at 40 per cent. of assessed value.
— churches may purchase at $5 per lot.
2. Certain certificates for condemned buildings receivable for entries and purchase money.
— may be assigned.
— proceedings when amount of certificate exceeds purchase money.
3. Mountainous divisions defined and dedicated to public use.
4. Cemetery.
5. Secretary of Interior to designate six lots for school-house sites.
— to convey site to Baptist Church.
6. Streets, courts, and alleys ceded to town of Hot Springs, &c.
7. Remainder of lots, &c., to be sold at auction at not less than appraisal.
Proceeds of sale; how disposed of.

Be it enacted, &c.

[SECTION 1], That any person, his heirs or legal representatives, in whose favor the commissioners appointed under the acts of Congress of eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, relative to the Hot Springs of Arkansas, have adjudicated, shall have the sole right to enter and pay for the amount of land the commissioners may have adjudged him entitled to purchase, within eighteen months next after the expiration of the notice required by the tenth section of the act of Congress of March third eighteen hundred and seventy-seven, to be given by paying to the receiver of public moneys at the land-office in Little Rock, Arkansas, forty per centum of the assessed value of said land as placed thereon by said commissioners; and that such assessments be reduced to that extent; Hot Springs lots may be purchased at 40 per cent. of assessed value. 1877, March 3, ch. 106. 1878, Dec. 16, ch. 5.

And that in any cases where any church or church association has been adjudged entitled to purchase land it may do so by paying five dollars per lot. —churches may purchase at $5 a lot.

SEC. 2. That the certificates (except certificate Number one hundred and sixty-two, issued to Samuel H. Stitt, DeWitt C Rugg, and Samuel W. Fordyce for twenty-two thousand dollars, which exceptions shall not prejudice the rights of the United States or the holders of said certificate.) issued for condemned buildings by said commissioners be made receivable for the amounts named therein as so many dollars lawful money of the United States in the entry and purchase of the lands that may be sold in the Hot Springs Reservation; Certain certificates for condemned buildings receivable for entries and purchase money.

And that such certificates be assignable, and when assigned in the presence of two subscribing witnesses or the execution of the assignment thereof shall have been acknowledged before a court of record or clerk thereof, the land officers in like manner shall receive them from the assignee in payment of lands purchased by himself or others; —may be assigned.

And in case the amount of the certificate presented and received at such land-office shall exceed that necessary to make the purchase and entry desired, there shall be executed by the register and receiver, and delivered to the person from whom the same is received, a certificate giving the number of the original, the date and amount thereof, the balance due such person thereon, and the certificate thus issued shall be assignable and receivable in like manner as the original, and in all cases where such certificates are issued the register of the land office shall certify on the original certificate taken up, the number of the lots purchased therewith, and the price thereof. —proceedings when amount of certificate exceeds purchase money.

SEC. 3. That those divisions of the Hot Springs Reservation, known as the mountainous districts, not divided by streets on the maps made by the commissioners, but known and defined on the map and in the Mountainous divisions defined and dedicated to public use.

report of the commissioners as North Mountain, West Mountain, and Sugar Loaf Mountain, be, and the same are hereby forever reserved from sale, and dedicated to public use as parks, to be known, with Hot Springs Mountain, as the permanent reservation.

Cemetery.

SEC. 4. That whenever the town of Hot Springs shall procure elsewhere a suitable burying-ground and shall cause the bodies now buried in the cemetery lot, within the limits of said town, to be decently removed and reinterred, the title to said cemetery lot shall vest in the corporation of said town, to be held and used forever as a town or city park, and not otherwise.

Secretary of Interior to designate six lots for school-house sites.

SEC. 5. That the Secretary of the Interior is hereby authorized to designate six lots from the unawarded grounds on the Hot Springs Reservation for the use of the common schools of the corporation of the town of Hot Springs, as sites for school houses, and the lots when so designated are hereby dedicated to the use of common schools, and shall be used, controlled, and managed by the common school officials of the district in which they may be located for such purposes only.

—to convey site to Baptist Church.

The Secretary of the Interior is also authorized to convey to the Baptist Church of Hot Springs, whose church edifice was destroyed by fire, a suitable lot of ground not exceeding one-eighth of an acre from that portion of the Hot Springs Reservation laid off into lots and blocks, and forming part of the town site but not awarded to any claimants and not otherwise disposed of by this act said conveyance to be on consideration of the payment of a sum equal to ten dollars per acre for said lot.

Streets, courts, and alleys ceded town of Hot Springs, &c.
1877, March 3, ch. 108.
1878, Dec. 16, ch. 5.

SEC. 6. That the streets, courts, and alleys and other thoroughfares of the town of Hot Springs, as surveyed, opened, or established by the commissioners and represented on the map of said town, and not included in the permanent reservation, be, and the same are hereby, ceded to the corporation of the town of Hot Springs for public use:

Provided however that nothing in this act shall be so construed as to impair the rights or equities conferred upon claimants to said land by an act of Congress approved March third, eighteen hundred and seventy-seven, and an act approved December sixteenth eighteen hundred and seventy-eight, in relation to the Hot Springs reservation in the State of Arkansas.

Remainders of lots, &c., to be sold at auction at not less than appraisal.

SEC. 7. That that portion of the Hot Springs Reservation laid off into lots and blocks and forming part of the town site, but not awarded to any claimants, and not otherwise disposed of or reserved by this act, shall be sold at public auction to the highest bidder, at not less than its appraised value, to be made from time to time, at the discretion and under the direction of the Secretary of the Interior, and after public notice in the usual way in the sale of public lands;

Proceeds of sale; how disposed of.

And the money arising from said sales, as well as any money paid in under section one of this act, shall be held as a special fund for the improvement and care of the permanent reservation at Hot Springs and of the Hot Springs Creek adjacent to and between the permanent reservations, and for the maintenance of free baths for the invalid poor of the United States, as provided by acts of Congress. [*June* 16, 1880.]

CHAPTER 247.

June 16, 1880.
21 Stat. L., 290.

AN ACT IN RELATION TO THE MILEAGE OF JURORS AND WITNESSES IN THE STATE OF COLORADO.

Jurors' and witnesses' fees in United States courts in Colorado.

Jurors' and witnesses' fees in United States courts of Colorado.
R. S., § 848, 852.

Be it enacted, &c., That jurors and witnessess in the district and circuit courts of the United States in and for the State of Colorado, shall be entitled to receive fifteen cents for each mile actually traveled in coming to or returning from said courts. [*June* 16, 1880.]

CHAPTER 248.

AN ACT GRANTING TO THE TERRITORY OF DAKOTA SECTION THIRTY-SIX, IN TOWNSHIP NUMBER FIFTY-SIX NORTH, OF RANGE NUMBER NINETY-FOUR WEST, IN THE COUNTY OF YANKTON, IN SAID TERRITORY, FOR THE PURPOSES OF AN ASYLUM FOR THE INSANE, AND GRANTING TO SAID TERRITORY ONE SECTION OF LAND, IN LIEU OF SAID THIRTY-SIXTH SECTION, FOR SCHOOL PURPOSES.

June 16, 1880.
21 Stat. L., 290.

Land granted to Dakota for insane asylum. | —for school purposes.

Be it enacted, &c., That section thirty-six, in township number fifty-six north of range number ninety-four west, in the county of Yankton, Territory of Dakota, be, and the same is hereby, granted to said Territory for the purposes of an asylum for the insane;

Land granted to Dakota for insane asylum.

And that there be, and is hereby, granted to said Territory one section of land, in lieu of said thirty-sixth section, for school purposes; said section to be selected by the governor of said Territory from any of the public lands subject to private sale or entry. Such selection, when so made, shall be certified by the said governor to the surveyor-general of said Territory and to the officers of the local land-office of the district in which such land may be situated; and from the filing of such certificate said land shall be withdrawn from private sale or entry, and shall be held as a portion of the lands granted to said Territory for school purposes. [*June* 16, 1880.]

—for school purposes.

CHAPTER 249.

AN ACT RELATING TO MACHINISTS IN THE NAVY.

June 16, 1880.
21 Stat. L., 290.

Machinists honorably discharged from Navy since November 20, 1879, to receive one-third of year's pay in lieu of other extras, &c. | —not prevented from re-enlisting.

Be it enacted, &c., That all men now serving in the Navy who may be discharged as machinists, with continuous-service certificates entitling them to honorable discharge, and those discharged in the said rating with such certificates since the twentieth day of November, eighteen hundred and seventy-nine, shall receive one-third of one year's pay as a machinist for each good-conduct badge they have received, or may receive, not exceeding three in number under the said certificates, the said gratuity to be received in lieu of re-enlistment as a machinist under such certificate, and to be in full and in lieu of all claims against the United States in connection therewith, for extra pay for re-enlisting, or for continuous service, or for enlistment as a petty-officer; and the amount necessary to carry out the provisions of this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated:

Machinists honorably discharged from Navy since November 20, 1879, to receive one-third of year's pay in lieu of other extras, &c.

Provided, That nothing herein contained shall be so construed as to prevent the re-enlistment of machinists in the Navy. [*June* 16, 1880.]

—not prevented from re-enlisting.

CHAPTER 250.

AN ACT TO AMEND THE SIXTH SUB-DIVISION OF SECTION THIRTY-TWO HUNDRED AND FORTY-FOUR OF THE REVISED STATUTES OF THE UNITED STATES.

June 16, 1880.
21 Stat. L., 291.

Dealers in leaf-tobacco who purchase only of planters who produce the same, &c., to pay $5 special tax.

Be it enacted, &c., That the sixth sub-division of section thirty-two hundred and forty-four of the Revised Statutes be amended by adding thereto as follows:

"*Provided further*, That dealers in leaf-tobacco (other than retail dealers as defined in the seventh sub-division of the section) who do not deal in leaf tobacco otherwise than to sell, or offer for sale, or consign for sale

Dealers in leaf-tobacco who purchase, &c., only of

planters who produce the same, &c., to pay $5 special tax.
R. S., § 3244.
1879, March 1, ch. 125, § 14.
16 Opin. Att'y-Gen., 89.

on commission, to an amount not exceeding twenty five thousand pounds in any one special-tax year, only such leaf-tobacco as they purchase or receive in the hand directly from farmers or planters who have produced the same on land owned, rented, or leased by them, or received the same as rent from their tenants, who have produced the same on such lands, shall each be required to pay for carrying on such business a special tax of five dollars only.

If any person who has paid such special tax shall be found to have purchased or received and sold, or consigned for sale on commission, more than twenty-five thousand pounds of leaf-tobacco, such as is herein provided for, in any one special-tax year, the Commissioner of Internal Revenue is authorized and directed to assess such person an amount of tax equal to the difference between the special tax paid by him and the special tax of twenty-five dollars hereinbefore imposed upon a dealer in leaf tobacco". [*June* 16, 1880.]

CHAPTER 251.

June 16, 1880.
21 Stat. L., 291.

AN ACT TO CARRY INTO EFFECT THE SECOND AND SIXTEENTH ARTICLES OF THE TREATY BETWEEN THE UNITED STATES AND THE GREAT AND LITTLE OSAGE INDIANS, PROCLAIMED JANUARY TWENTY-FIRST, EIGHTEEN HUNDRED AND SIXTY-SEVEN.

SECTION
Preamble.
1. Account to be stated of money received by United States from sale of Osage trust lands.
SECTION
2. Amount to be credited to trust fund. Like account to be stated of Indian-civilization fund, &c.

Preamble.
1861, Jan. 29, ch. 20 (12 Stat. L., 126).

Whereas by the act for the admission of the State of Kansas into the Union, approved January twenty ninth, eighteen hundred and sixty-one, the United States granted to said State the sixteenth and thirty-sixth sections "of ev[e]ry township of public lands in said State", but especially provided that the lands embraced within the Indian reservations in said State should not be alienated for any purpose, except with the consent of the Indians of such reservations, and in accordance with the conditions of the treaty authorizing such alienation; and

Treaty.
14 Stat. L., 687.

*Whereas, by the treaty between the United States and the Great and Little Osage Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven, a trust was created for the disposal of the lands of said Indians in the State of Kansas, the metes and bounds of which said lands are specifically set forth in said treaty, by which the United States bound itself to survey and sell any and all of such lands, "at a price not less than one dollar and twenty-five cents per acre, as other lands are surveyed and sold", and to place "the proceeds of such lands as they accrue, after deducting all expenses incident to the proper execution of the trust, * * * in the Treasury of the United States to the credit of said tribe of Indians"; and*

Whereas it is claimed that under the operation of the treaty herein referred to there are moneys due, both on account of grants and sales of lands, which have not been placed to the credit of said Indians, as provided for in said treaty: Therefore,

Be it enacted, &c.

Account to be stated of money received by United States from sale of Osage trust lands.

[SECTION 1], That the Secretary of the Interior is hereby authorized and directed to cause an account to be stated of the number of acres of the Osage lands in the State of Kansas that have in any way been alienated by the United States, either by the act of January twenty-ninth, eighteen hundred and sixty one, entitled "An act for the admission of Kansas into the Union", or since the creation of the trust for the sale of these lands by the treaty between the United States and the Great and Little Osage Indians, proclaimed January twenty-first, eighteen hundred and sixty-seven, and of the money received by the United States on account of the sales of such lands, and to certify the difference between the sum so received and the sum that would be due said trust at the date of the account herein provided for had all of said lands so alienated been disposed of as provided for by said treaty.

SEC. 2. That a sum of money equal to the amount certified by the Secretary of the Interior, in pursuance of the foregoing section, to the Secretary of the Treasury, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which the Secretary of the Treasury is directed to place to the credit of the Secretary of the Interior, as custodian of said trust funds, and, after defraying the cost of survey and sale of said lands and other expenses contracted by the United States or the Osage Nation in the execution of said trust, the balance of said funds shall be placed in the Treasury of the United States, to the credit of said Indians, to be invested and distributed in accordance with existing treaties:

Amount to be credited to trust fund.

Provided, That a like settlement shall be made with the Indian-civilization fund for the sixteenth and thirty-sixth sections, given by the United States to the State of Kansas, within the limits of the Osage lands ceded by the first article of the treaty aforesaid. [*June* 16, 1880.]

Like account to be stated of Indian-civilization fund, &c.

CHAPTER 252.

AN ACT MAKING APPROPRIATIONS FOR THE AGRICULTURAL DEPARTMENT OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR OTHER PURPOSES.

June 16, 1880.
21 Stat. L., 292.

SECTION
1. Seeds, &c., to be supplied to members of Congress for distribution.
2. Commissioner of Agriculture; when to account and report to accounting officer.
3. Repeal.

Be it enacted, &c.

[SECTION 1.] * * * * * *

PURCHASE AND DISTRIBUTION OF SEEDS, AND SO FORTH.

* * * * * * *

An equal proportion of three-fourths of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives and Delegates in Congress for distribution among their agricultural constituents, or shall by their direction be sent to their constituents; and the persons receiving such seeds shall inform the department of the results of the experiments therewith:

Seeds, &c., to be supplied to members of Congress for distribution.
R. S., § 527.
1875, March 3, ch. 128, § 7.

* * * * * * *

SEC. 2. The Commissioner of Agriculture is hereby directed and required to account and report to the proper accounting officers of the Treasury, in the same manner and at the same times, as the heads of executive departments of the government are now required by law to account and report.

Commissioner of Agriculture; when to account and report to accounting officer.
R. S., § 528.

SEC. 3. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [*June* 16, 1880.]

Repeal.

CHAPTER 253.

AN ACT TO CONSTITUTE A JOINT COMMISSION FOR CARRYING INTO EFFECT THE CONVENTION BETWEEN THE UNITED STATES AND THE FRENCH REPUBLIC FOR THE SETTLEMENT OF CERTAIN CLAIMS OF THE CITIZENS OF EITHER COUNTRY AGAINST THE OTHER, SIGNED AT WASHINGTON ON THE FIFTEENTH DAY OF JANUARY, EIGHTEEN HUNDRED AND EIGHTY.(1)

June 16, 1880.
21 Stat. L., 296.

SECTION
1. Commission for settlement of claims of citizens of either France or United States against the other country.
2. — compensation of, and how paid.
— secretary of.
3. Agent on behalf of United States to be appointed, &c.
— contingent expenses of.
Appropriation.
4. Commissioners to make rules.
5. Papers, records, and documents to be furnished to Commissioners and returned.
— copies; when may be deposited in State Department.
6. Witnesses; how depositions may be taken.

NOTE.—(1) The articles of the treaty referred to in this resolution are printed hereinafter, at page —.

Be it enacted, &c.

Commission for settlement of claims of citizens of either France or United States against the other country. *Treaty*, p. 632.

[SECTION 1], That the President shall nominate, and by and with the advice and consent of the Senate appoint a Commissioner, on the part of the United States, to hear and decide, conjointly with the Commissioner to be appointed on the part of the French Republic and the third Commissioner to be appointed by His Majesty the Emperor of Brazil, the claims comprehended in the provisions of the convention of January fifteenth, eighteen hundred and eighty, between the United States and the French Republic.

—compensation of.

SEC. 2. That the compensation of the said commissioner on the part of the United States shall be at such rate, not exceeding eight thousand dollars a year in money of the United States, as may be determined by agreement between the executive departments of this government and of the French Republic.

—how paid.

The compensation of said third Commissioner to be determined according to the provisions of said Convention not to exceed eight thousand dollars a year shall be paid as to one half part thereof by the United States.

—secretary of.

The compensation of the Secretary to be appointed on the part of the United States under the provisions of the said Convention shall be at such rate, not exceeding three thousand dollars a year in money of the United States, as may be determined in the manner aforesaid.

Agent on behalf of United States to be appointed, &c.

SEC. 3. That the President be, and hereby is, authorized to appoint a suitable person as agent on behalf of the United States to attend the Commissioners, to present and support claims on behalf of this government, to answer claims made upon it, and to represent it generally in all matters connected with the investigation and decision thereof; the compensation of such agent, not to exceed five thousand dollars a year, shall be determined by agreement between the executive departments of this government and of the French Republic.

—contingent expenses of.

The President is hereby authorized to make such provision for the contingent expenses of the Commission, and for the taking of testimony on the part of the United States to be used before the same, as to him shall appear reasonable and proper.

Appropriation.

To defray the above mentioned expenses, salaries and compensations and to permit the agent of the United States to collect and produce such needful testimony on the part of this government, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, or so much thereof as may be necessary under the provisions of this act, to be expended under the direction of the Secretary of State, with the approval of the President

Commissioners to make rules and regulations.

SEC. 4. That the Commissioner on the part of the United States, in conjunction with the other commissioners appointed under the provisions of the said convention is hereby authorized to make all needful rules and regulations for conducting the business of the Commission; such rules and regulations not contravening the Constitution of the United States, the provisions of this act or the convention.

Papers, records, and documents to be furnished to commissioners and returned.

SEC. 5. That the Secretary of State is hereby authorized and required to transmit to the Commissioners through the Agent on the part of the United States, such papers and records relating to the Commission as he may deem proper or as may be called for by the Commissioners; and at the termination of the Commission all the records, documents and other papers which shall have been brought before the Commissioners, or which may be in possession of their Secretaries, shall be deposited in the Department of State:

—copies; when may be deposited in State Department.

Provided, That this section shall not be so construed as to prevent the Commissioner on the part of the United States or of the French Republic from depositing in the Department certified copies or duplicates of papers produced on behalf of his government, instead of originals.

SEC. 6. That upon suggestion by either party that a witness whose testimony is deemed important, refuses or is unwilling to testify, it shall be competent for the Commissioners to issue a commission to some suitable person to take the testimony of such witness, who, if in the United States, may be compelled to appear and testify in the same manner as is now provided by law in the case of Commissions issued from the courts of the United States. [*June* 16, 1880.]

Witnesses; how depositions may be taken, &c.

RESOLUTIONS.

NUMBER 4.

JOINT RESOLUTION TOUCHING THE HOT SPRINGS RESERVATION IN THE STATE OF ARKANSAS.

Jan. 14, 1880.

21 Stat. L., 299.

Time extended for entering Hot Springs lots, &c.

Resolved, &c, That the time allowed the Secretary of the Interior to instruct the United States land officers at Little Rock, Arkansas, under section ten of the act of March third, eighteen hundred and seventy-seven, entitled "An act in relation to the Hot Springs reservation in the State of Arkansas", be extended for the period of sixty days from the passage of this resolution, and all further proceedings under said act be suspended until that time. [*January* 14, 1880.]

Time extended for entering Hot Springs lots, &c. 1877, March 3, ch. 108, § 10.

NUMBER 10.

JOINT RESOLUTION FOR PRINTING THE AMERICAN EPHEMERIS AND NAUTICAL ALMANAC

Feb. 11, 1880.

21 Stat. L., 301.

SECTION
1. American Ephemeris and Nautical Almanac; how printed and distributed.
SECTION
2. Copies for sale, and proceeds of sale to be deposited in Treasury.

Resolved, &c.

[SECTION 1], That there shall be printed annually at the Government Printing Office fifteen hundred copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which one hundred shall be for the use of the Senate, four hundred for the House of Representatives, and one thousand for the public service, to be distributed by the Navy Department.

American Ephemeris and Nautical Almanac; how printed and distributed. R. S., § 436.

SEC. 2. That additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy for sale:

Copies for sale.

Provided, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing. [*February* 11, 1880.]

—proceeds of sale to be deposited in Treasury.

NUMBER 22.

JOINT RESOLUTION PROVIDING FOR PAYMENT OF WAGES TO EMPLOYEES IN THE GOVERNMENT PRINTING OFFICE FOR LEGAL HOLIDAYS.

April 16, 1880.

21 Stat. L., 304.

Employés of Government Printing Office to have certain holidays with pay.
—to be paid only when employés of other departments are.
Salaried officers not to have additional pay.

Employés of Government Printing Office to have certain holidays with pay.
1879, Jan. 31, ch. 38.

Resolved, &c., That the employees of the Government Printing Office shall be allowed the following legal holidays with pay, to wit: the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, and such day as may be designated by the President of the United States as a day of public fast or thanksgiving:

—to be so paid only when employés of other Departments are.

Provided, That the said employees shall be paid for these holidays only when the employees of the other government departments shall be so paid:

Salaried officers not to have additional pay.

And provided further, That nothing herein contained shall authorize any additional payment to such employees as receive annual salaries. [*April* 16, 1880.]

NUMBER 25.

JOINT RESOLUTION LEGALIZING THE HEALTH ORDINANCES AND REGULATIONS FOR THE DISTRICT OF COLUMBIA. (1)

April 24, 1880.

21 Stat. L., 304.

SECTION
1. Ordinances of Board of Health in District of Columbia legalized.
— in relation to nuisances.
SECTION
2. — in relation to animals, food, diseases, &c.
Note: Text of ordinances and regulations referred to in this act.

Resolved, &c.

Ordinances of Board of Health, District of Columbia, legalized.

[SECTION 1], That the ordinances of the late Board of Health of the District of Columbia, as revised, amended, and adopted, November nineteenth, eighteen hundred and seventy-five, entitled "An ordinance to revise, consolidate, and amend the ordinances of the Board of Health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof", as printed in the report of said late Board of Health made to the first session of the Forty-fourth Congress, being executive document number one, part eight, be, and the same are hereby, legalized; and the respective penalties therein prescribed for violations thereof may be imposed and enforced for the respective offenses therein described, excepting the sections of said ordinance following, namely: Sections seven, nine, and fourteen, which said sections are not hereby legalized.

—in relation to nuisances.
1874, June 23, ch. 490.
1878, June 11, ch. 180, § 8.
1881, Jan. 25, ch. 27.

SEC. 2. That the ordinances, rules, and regulations of said late Board of Health contained in the report mentioned in the preceding section, and printed in the said executive document therein mentioned, namely: (1)

First. "An ordinance to amend an ordinance to prevent domestic animals from running at large within the cities of Washington and Georgetown, passed by the Board of Health May nineteenth, eighteen hundred and seventy-one";

—domestic animals.

Second. "An ordinance to prevent the sale of unwholesome food, in the cities of Washington and Georgetown";

—unwholesome food.

Third. "An ordinance to provide for the inspection of streets, food, live stock, fish and other marine products, in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the Board of Health";

—inspection of food, &c.

Fourth. "An ordinance to amend section ten of the code so as to read";

Fifth. "An ordinance to amend an ordinance passed May thirteenth, eighteen hundred and seventy-three, to read as follows";

Sixth. "An ordinance to prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown";

—public urinals.

Seventh. "Rules and regulations in regard to small-pox";

—small-pox.

Eighth. "Regulations to secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia", be, and the same are hereby, legalized and made valid; and the penalties therein provided respectively for violations thereof, may

—record of vital statistics.

NOTE.—(1) The ordinances and regulations legalized by this act are printed herein, immediately following the act.

be imposed and enforced for the violations of the same respectively, as provided by section twenty-seven of the ordinances passed November nineteenth, eighteen hundred and seventy-five. [*April* 24, 1880.]

NOTE.—(1) The following are the ordinances, &c., legalized by the foregoing act.

[ORDINANCES OF THE DISTRICT OF COLUMBIA, LEGALIZED BY JOINT RESOLUTION OF CONGRESS, 1880, APRIL 24, NUMBER 25.]

AN ORDINANCE

To revise, consolidate, and amend the ordinances of the Board of Health, to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof.

SECTION

1. Filth or other offensive substances thrown in streets, avenues, &c., declared nuisances.
2. Carrying offensive substances, in open vehicles, through streets, avenues, &c.
3. Manure, offal, &c., within 300 feet of dwelling, or along line of street, railroad, &c.
4. Filling lots with filth and offensive substances, or removing surface of lots so filled.
5. Defiling or poisonous substances thrown into spring, well, or river water, public reservoir, or water pipe.
6. Impure and unwholesome wells or springs.
8. Ailantus trees, in bloom, producing offensive and noxious odors.
10. Inadequate and insufficient drain-pipes, &c., into sewers.
11. Filthy and offensive water-closets and privies.
12. Privies unlawfully and improperly constructed or located.
Leaky privies, privy-boxes, vaults, &c.
13. Fecal matter remaining in privies.
Privies to be inspected and cleaned.
15. Depositing contents of privy in place not approved by board of health.
16. Bucket system of removing night-soil and transporting contents through streets, &c.
Contents of privies, &c., to be removed and transported only by air-tight apparatus, &c.
17. Keeping and feeding hogs in pens, &c.
18. Filthy and unwholesome stables, sheds, and pens.
19. Glandered or diseased animals remaining in stables, pens, &c.
20. Filthy and noisome tanneries, &c.
21. Boiling swill, burning bones, and other offensive and noxious trades, &c.
22. Unclean and filthy slaughter-houses.
23. Crushing or breaking stone, creating offensive dust, &c.
24. Undressed dead animals remaining in cities of Washington and Georgetown.
25. Unmuzzled and hydrophobic dogs going at large, to be killed, &c.
26. Health-officer to abate nuisances after notice, &c.
27. Fines to be collected by information at instance of board of health.
Court to order abatement of nuisances.
28. Repeal.

Be it ordained, &c.

Filth or other offensive substance thrown in streets, avenues, or public places declared nuisances.

[SECTION 1], That filth, the contents of cess-pools, offal, garbage, foul water, dye-water, refuse from manufactories, ordure, urine, stable-manure, decayed animal or vegetable matter, or other offensive substance detrimental to health, thrown, placed, or allowed to remain, in or upon any street, avenue, alley, sidewalk, gutter, public reservation, or open lot, in the cities of Washington or Georgetown, or in the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall commit, create, or maintain the aforesaid nuisances, or either of them, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Carrying offensive substances, in open vehicles, through streets, avenues, &c.

SEC. 2. That the carrying and transporting of bones, hides, fish, garbage, offal, or other animal or vegetable substances, in decomposing and offensive condition, in any other than covered and inclosed vehicles, through any street, avenue, alley or public place, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person who shall cause, commit, create or maintain such nuisance, shall, upon conviction, be fined not less than two nor more than twenty-five dollars for every such offense.

Manure, offal, &c., within 300 feet of dwelling, or along line of street, railroad, &c.

SEC. 3. That manure accumulated in great quantities; manure, offal, or garbage piled or deposited within 300 feet of any place of worship, or of any dwelling, or unloaded along the line of any railroad, or in any street or public way; cars or flats loaded with manure, or other offensive matter, remaining or standing on any railroad, street, or highway in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall pile or deposit manure, offal, or garbage, or any offensive or nauseous substance within 300 feet of any inhabited dwelling, within the limits of said cities, or their said suburbs; and any person who shall unload, discharge, or put upon or along the line of any railroad, street or highway or public place, within said cities or their said suburbs, any manure, garbage, offal, or other offensive or nauseous substance, within 300 feet of any inhabited dwelling, or who shall cause or allow cars or flats loaded with, or having in or upon them any such substance to remain or stand in or along any railroad, street or highway, within the limits of said cities or their said suburbs, within 300 feet of any inhabited dwelling, and who shall fail, after notice duly served by this board, to remove the same, shall, upon conviction thereof, be fined not less than five, nor more than twenty-five dollars for every such offense.

Filling lots with filth and offensive substances, or removing surface of lots so filled.

SEC. 4. That the filling, leveling, or raising the surface of any ground or lot within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, with animal or vegetable substances, filth gathered in cleaning yards or streets, or waste material from mills or factories, or the removal of the surface of any ground or lot within said cities or their said suburbs, filled with such offensive matter or substance, in such manner as to cause noisome odors or noxious gases to arise, are hereby declared nuisances injurious to health; and any person who shall cause, commit, create, or maintain such nuisance, shall, upon conviction, be fined not less than five nor more than twenty dollars for every such offense.

Defiling or poisonous substances thrown into spring, well, or river water, public reservoir, or water-pipe.

SEC. 5. That throwing or placing any defiling or poisonous substance, decayed animal or vegetable matter or filth into, or causing or allowing the same to pass or enter into, any spring, well, or river water, used by the public for drinking or cooking purposes, or into the water of any public reservoir or water-pipe within the District of Columbia, whereby such water is rendered impure and unwholesome, are hereby declared nuisances injurious to health; and any person who shall commit or create such nuisance shall, upon conviction, be fined not less than five nor more than fifty dollars for every such offense.

Impure and unwholesome wells or springs.

SEC. 6. That any wells, springs, or waters used for drinking or cooking purposes, which are impure and unwholesome, or which have been rendered impure and unwholesome by reason of any defiling or poisonous substance, are hereby declared nuisances injurious to health; and any person who shall maintain or continue such nuisance, after due notice from this board to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

SEC. 7. [Not legalized.]

Ailantus trees, in bloom, producing offensive and noxious odors.

SEC. 8. That ailantus trees, the flowers of which produce offensive and noxious odors, in bloom, in the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense.

SEC. 9. [Not legalized.]

Inadequate and insufficient drain-pipes, soil-pipes, and passages into sewers.

SEC. 10. That drain-pipes, soil-pipes, passages into sewers, or connections between any sewer and any ground or building, not of adequate and sufficient size to allow the free and entire passage of all the material that enters the same, or not provided with good and sufficient sewer-traps, so as to prevent the escape of noisome odors and noxious gases therefrom, are hereby declared nuisances injurious to health; and any person creating or maintaining either of said nuisances, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Filthy and offensive water-closets and privies.

SEC. 11. That all water-closets and privies connected with any house, building, or premises within the District of Columbia, in or upon which people live, or where they congregate or assemble, or any kind of business is done, kept in a filthy and offensive condition, or from which noisome odors and noxious gases arise, and all water-closets located within and being a part of any such house or building not provided with proper sewer-traps so as to prevent the return and escape of noxious gases and offensive odors from any public or private sewer connected therewith, are hereby declared nuisances injurious to health; and any person creating, keeping, or maintaining such nuisance, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Privies unlawfully and improperly constructed or located.

SEC. 12. That any privy within the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, including Uniontown or Anacostia, and Mount Pleasant, in the District of Columbia, constructed of other material than brick, cement, or wood, or which is not provided with a sufficient box, bucket, or vessel for the reception of filth, and the inside of which is not at least five feet distant from the line of any adjoining lot, and at least two (2) feet distant from any street, lane, alley, camp, square, or public place, or public or private passage-way; and any privy so constructed that it cannot be conveniently approached and cleaned, or in such manner that each and every vault, box, bucket or vessel thereof is not made tight and close, so that the contents thereof cannot escape therefrom, except as may be permitted by means of a passage-way or conduit under ground, for the purpose of carrying away the contents of such vault, box, or vessel into any common sewer or drain, is hereby declared a nuisance injurious to health; and any person who shall create, maintain or continue such nuisance, and shall fail, after due notice from this board, to abate or remedy the same, shall, upon conviction, be fined not less than five nor more than twenty dollars for every such offense.

Leaky privies, privy-boxes, vaults, &c.

Fecal matter remaining in privies.

Privies to be inspected and cleaned.

SEC. 13. That fecal matter, not thoroughly deodorized and disinfected, remaining in privies in the District of Columbia, is hereby declared a nuisance injurious to health; and the board of health shall, upon the receipt of complaint in writing, cause any privy to be inspected, and, if necessary, cleaned by the persons authorized for said purpose; and any person owning or occupying premises on which any privy is situated, who shall refuse to permit the same to be inspected and cleaned at the times designated by said board, or whenever necessary, shall, upon conviction, be fined not less than five dollars for every such offense.

SEC. 14. [Not legalized.]

Depositing contents of privy in place not approved by board of health.

SEC. 15. That it shall be unlawful for any person to deposit the contents of any privy in any place other than such as may be approved by this board; and any person so offending shall, upon conviction, be fined not less than five nor more fifty dollars for every such offense.

Bucket system of removing night-soil and transporting contents through streets, &c.

SEC. 16. That the system heretofore in use of removing night-soil, cleaning privies, privy-boxes, vaults, sinks, and cess-pools within the cities of Washington and Georgetown, and the more densely populated suburbs of said cities, by buckets or other process agitating and exposing the contents thereof in the open air, and of transporting said contents in carts or other vehicles not air-tight, through the streets, avenues, alleys, and other public places within said cities, and their said suburbs, is hereby declared a nuisance injurious to health;

Contents of privies, &c., to be removed and transported only by air-tight apparatus, &c.

And that, from and after the 15th day of October, A. D. 1873, no part of the contents (except substances not soluble in water) of any privy, privy-box, vault, sink, or cess-pool within said cities or their said suburbs, shall be removed therefrom, nor shall the same be transported through any of the streets, avenues, alleys, or other public places of said cities or of their said suburbs, except as the same shall be removed and transported by means of some air-tight apparatus, pneumatic or other process, so as to prevent the said contents from being agitated or exposed in the open air during said process of removal or transportation; and any person violating the provisions of this section shall, upon conviction thereof, be fined not less than ten nor more than fifty dollars for every such offense.

Keeping and feeding hogs in pens, &c.

SEC. 17. That the keeping, herding, and feeding of hogs, in pens or otherwise, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person creating or maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars, for every such offense.

Filthy and unwholesome stables, sheds, and pens.

SEC. 18. That filthy and unwholesome stables, sheds, pens, or places where cows, horses, mules, or other animals are kept, within the cities of Washington or Georgetown, or the more densely populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person creating or maintaining such nuisance who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Glandered or diseased animals remaining in stables, pens, &c.

SEC. 19. That any animal affected by glanders or other contagious or pestilential disease, kept or remaining in any stable, shed, pen, or place within the cities of Washington or Georgetown or the more densely-populated suburbs of said cities, is hereby declared a nuisance injurious to health; and any person keeping or maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than five nor more than twenty-five dollars for every such offense.

Filthy and noisome tanneries, &c.

SEC. 20. That all establishments, or places of business for tanning, skinning, scouring, or dressing hides or leather within the District of Columbia, in a filthy condition, or from which noisome odors and noxious gases arise, are hereby declared nuisances injurious to health; and any person who shall erect, create, maintain, or continue such nuisance, and who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Boiling swill, burning bones, and other offensive and noxious trades, &c.

SEC. 21. That the boiling of offal, swill, bones, fat, tallow, or lard; the crushing, grinding or burning of bones or shells; cleansing guts; making glue from any dead animal or part thereof; making or boiling varnish or oil; making lampblack, turpentine, or tar; distilling ardent, alcoholic, or fermented spirits; storing or keeping scraps, fat, grease, or other offensive animal matter; rendering or trying out dead, undressed, and unslaughtered animals, or any other business or trade, whereby noisome stenches and odors and noxious gases arise or are generated, within the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, are hereby declared nuisances injurious to health; and any person who shall cause, erect, create, maintain, or continue any such nuisance, and who shall fail, after due notice from this board, to abate the same, shall, upon conviction thereof, be fined not less than ten nor more than one hundred dollars for every such offense.

Unclean and filthy slaughter-houses.

SEC. 22. That unclean and filthy slaughter-houses, rooms, buildings, or places where sheep, hogs, cattle, or other animals are slaughtered, within the District of Columbia, are hereby declared nuisances injurious to health; and any person creating, keeping, or maintaining such nuisance, who shall fail, after due notice from this board, to abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Crushing or breaking stone, creating offensive dust, &c.

SEC. 23. That the crushing or breaking of stone within the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, by machines or otherwise, in such manner as to create offensive and deleterious dust, is hereby declared a nuisance injurious to health; and any person creating or maintaining said nuisance, who shall fail, after due notice from this board, to remove or abate the same, shall, upon conviction, be fined not less than ten nor more than fifty dollars for every such offense.

Undressed dead animals remaining in

SEC. 24. That undressed dead animals being or lying in any part of the cities of Washington or Georgetown, or the more densely-populated suburbs of said cities, viz: Any of the horse, mule, or jack kind, or

any cow, goat, calf, sheep, dog, or swine, are hereby declared nuisances injurious to health; and any person owning, possessing, or controlling any such dead animal, or any person who shall knowingly place or allow such dead animal to remain in any part of said cities or their said suburbs, and who shall fail to give notice thereof to the board of health within eight hours after the death of said animal, shall, upon conviction, be fined not less than five nor more than ten dollars for every such offense. cities of Washington and Georgetown.

SEC. 25. That unmuzzled dogs, going upon any street, avenue, or other public place, between the fifteenth day of May and the fifteenth day of October in any year, mad dogs, and dogs bitten by hydrophobic dogs, are hereby declared nuisances injurious to health; and any person owning or keeping any dog who shall allow the same to go unmuzzled upon any street, alley, or other public place, between the fifteenth day of May and the fifteenth day of October in any year, or who shall refuse to kill, or to cause to be killed, any such dog owned or kept by him, which has gone mad, or given symptoms of hydrophobia, or who shall omit to confine any such animal exposed to such disease, or which has been bitten by a hydrophobic dog or animal, shall be deemed guilty of maintaining a nuisance, and, upon conviction thereof, shall be fined not less than one nor more than twenty-five dollars; and any dog going at large between the fifteenth day of May and the fifteenth day of October in any year, without a proper muzzle, shall be taken up by the poundmaster, who shall charge the owner of the same one dollar for its redemption; and every such dog not redeemed within twenty-four hours after having been taken up as aforesaid, shall be liable to be shot by said poundmaster. Unmuzzled and hydrophobic dogs going at large, to be killed by owner, or taken up and shot by poundmaster if not redeemed. 1878, June 19, ch. 323.

SEC. 26. That it shall be the duty of the health-officer appointed by this board, upon receiving information or obtaining knowledge of the existence of any thing or things herein declared to be nuisances, or any thing or things which may hereafter be declared to be nuisances by any ordinance or resolution enacted or adopted by this board, to notify the person or persons committing, creating, keeping, or maintaining the same, to remove, or cause to be removed, the same within twenty-four hours, or such other reasonable time as may be determined by this board, after such notice be duly given; and if the same be not removed by such person or persons within the time prescribed in said notice, it shall be the duty of the health-officer aforesaid to remove, or cause to be removed, such nuisance or nuisances, and all costs and expenses of such removal shall be paid by the persons committing, creating, keeping, or maintaining such nuisance or nuisances; and if the said costs and expenses thus accruing shall not be paid within ten days after such removal by said health-officer, the same shall be collected from the person or persons committing, creating, keeping, or maintaining such nuisances, by suit at law. Health-officer to abate nuisances after notice to party liable, and costs of removal to be collected by suit.

SEC. 27. That all fines and penalties imposed by any section of this ordinance shall be collected by prosecution in the police or other proper court of the District of Columbia, by information filed in said court, at the instance of the board of health. Fines to be collected by information at instance of board of health.

And whenever the nuisance complained of is set forth as continuing and existing, and is shown to be such to the satisfaction of the court before whom the person creating or maintaining said nuisance is tried, the party so offending shall, upon conviction thereof, in addition to the fine imposed, be ordered by said court to abate or remove said nuisance. Court to order abatement of nuisances.

SEC. 28. That all ordinances, or parts of ordinances, of this board, inconsistent or in conflict with the foregoing provisions of this ordinance are hereby repealed. Repeal.

November 19, 1875.

AN ORDINANCE

To amend "An ordinance to prevent domestic animals from running at large within the cities of Washington and Georgetown, passed by the Board of Health May 19, 1871."

SECTION

1. Domestic animals running at large to be impounded.
2. — to be sold if not claimed.
3. — proceeds of sale in such case.
4. — when may be paid to owner.
5. Charges for impounding.
6. Penalty for breaking open pound, &c.
7. Pound master and his duties.
8. — to keep record; to deliver animals on evidence of ownership.
   Sale of animals to be only after notice.
9. Repeal.

Be it ordained, &c.

[SECTION 1]. That domestic animals shall not be permitted to run at large within the limits of the cities of Washington and Georgetown, and all domestic animals found running at large within the limits of said cities shall be taken up and impounded. Domestic animals running at large to be impounded.

SEC. 2. That every animal taken up and impounded as aforesaid, within forty-eight hours after such impounding, if not claimed, and the charges for taking up, impounding, and keeping the same paid, shall be sold at public auction; and the poundmaster appointed by this Board, as hereinafter provided, is hereby authorized to act as auctioneer at said sale. — to be sold if not claimed.

SEC. 3. That the proceeds of such sales shall be paid over to the Treasurer of the Board, who shall give duplicate receipts therefor, one copy of the same to be retained by the officer selling such animals, and the other copy to be by said officer filed with the Secretary of the Board; and it shall be the duty of said treasurer to keep an accurate account of all moneys received by him under the provisions of this ordinance, and to report the same from time to time as required by the Board. — proceeds of sale in such case.

SEC. 4. That all moneys received by said Treasurer from the sale of animals, as aforesaid, shall, if demanded by the owner of such animals, at any time within one year from the sale thereof, upon satisfactory proof that such claimant was the owner of such animal sold as aforesaid, after deduction of charges and expenses, as hereinafter specified, of taking up, and impounding, and keeping such animals, be paid to said claimant; otherwise said moneys shall be used by this Board for sanitary purposes within and for the benefit of the District of Columbia. — when may be paid to owner.

SEC. 5. That the charges for taking up and impounding domestic animals found running at large within the cities of Washington and Georgetown shall be as follows, to wit: For each horse, mule, bull, steer, cow, calf, heifer, two dollars; and for each sheep, goat, hog, one dollar; and for each goose, fifty cents; and, in addition to said several sums, the charges for keeping said animals shall be the reasonable and necessary expenses thereof, to be paid by owner. Charges for impounding.

SEC. 6. That no person shall break open, or in any manner, directly or indirectly, aid or assist in breaking open, any pound established by the Board of Health, or take or let any animal out of such pound, without the consent of the officer keeping the same; nor shall any person or persons hinder, delay, or obstruct any person or persons engaged in driving or carrying to such pound any animal or animals liable to be taken up or impounded under the provisions of this ordinance; and any person violating the provisions of this section shall be punished, upon conviction thereof, by a fine of not less than five dollars nor more than twenty-five dollars for each and every such violation. Penalty for breaking open pound, &c.

SEC. 7. That there shall be appointed by the Board of Health a poundmaster, whose duty it shall be to take up and impound all domestic animals found running at large within the cities of Washington and Georgetown, to keep safely and carefully all property pertaining to said pound, and all animals impounded therein; and to report from time to time, through the Health officer, as required by this Board, the condition of said pound, and what repairs, if any, are needed; and the number and description of the animals therein impounded, and what disposition has been made of the same; and to report all moneys received by him under the provisions of this ordinance. And it shall be the further duty of said poundmaster to pay over, daily, all moneys received as aforesaid to the Health Officer, taking receipt therefor, and said poundmaster shall give good and sufficient bonds for the proper discharge of his several duties, as herein provided. Poundmaster and his duties.

Poundkeeper to keep record; to deliver animals on evidence of ownership.

SEC. 8. That the poundmaster appointed by this board shall keep a register of all animals taken up by him, with an accurate description of the same, which shall at all times be open to the inspection of the public; and the said poundmaster is hereby forbidden to deliver any animal taken up and impounded to any person applying for the same, unless such person shall present good and sufficient evidence of his ownership or right to the possession of said animal;

Sale of animals to be only after notice.

And no sale of any animal or animals impounded as aforesaid shall be made until due public notice by advertisement in at least one newspaper of such sale shall have been given, together with a description of the animal or animals to be sold, as hereinbefore provided.

Repeal.

SEC. 9. That any ordinance or part of an ordinance heretofore passed by the Board of Health of the District of Columbia, inconsistent with the foregoing, be, and the same is hereby, repealed.

AN ORDINANCE

To prevent the sale of unwholesome food in the cities of Washington and Georgetown.

SECTION

1. Unwholesome food; penalty for sale of.
2. Adulterated food or drink.
3. Sickly or unwholesome animals.
4. Slaughtering diseased cattle.
5. Offering for sale poisonous or unwholesome food or drink.
6. Meat and vegetable stalls, &c., to be kept clean, &c.
7. Unwholesome milk.
8. —meat.

Be it ordained, &c.

Unwholesome food; penalty for sale of.

[SECTION 1], That no person shall knowingly sell, or cause to be sold, within the cities of Washington or Georgetown, any impure, diseased, decayed, or unwholesome provisions, nor shall any person fraudulently adulterate, for the purpose of sale within said cities, any bread or other material intended to be used for food with any substance of a poisonous character, or any substance injurious to health; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

Adulterated food or drink.

SEC. 2. That no person shall offer for sale within the cities of Washington or Georgetown any liquor used for drink, whether malt, vinous, or ardent, or the milk of cows or goats, intended to be used for food or drink, which has been adulterated with any poisonous or deleterious ingredient; and any person violating the provisions of this section, shall, upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each and every such offense.

Sickly or unwholesome animals.

SEC. 3. That no person shall convey into the cities of Washington or Georgetown, and offer for sale in any part of said cities, any animal or part of animal that may be sickly, diseased, or unwholesome, or which may have died from disease or accident, or any fish or vegetables not fresh, sound, and fit for food; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Slaughtering diseased cattle.

SEC. 4. That no person shall slaughter any cattle for the purpose of sale as food within the cities of Washington and Georgetown when such cattle are in a feverish or diseased condition; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Offering for sale poisonous or unwholesome food or drink.

SEC. 5. That no person, whether owner, manager, keeper of, agent, bar-tender, or clerk, in any saloon, restaurant, boarding-house, or eating-house, located within the cities of Washington or Georgetown, shall offer for sale as food or drink anything poisonous or unwholesome; and any person violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars for each and every such offense.

Meat and vegetable stalls, &c., to be kept clean, &c.

SEC. 6. That no person owning, renting, leasing, or occupying any stall, room, or stand where meats or vegetables are sold for food, within the cities of Washington or Georgetown, shall fail to keep said stall, room, or stand in a cleanly condition; nor shall such person allow said meats or vegetables to become poisoned, or infected, or unfit for food, by reason of uncleanly condition of such stall, room, or stand; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than twenty-five dollars for each and every such offense.

Unwholesome milk.

SEC. 7. That no person shall offer for sale, within the cities of Washington or Georgetown, any unwholesome, watered, or adulterated milk, or swill-milk, or milk from cows kept up and fed on garbage, swill, or other deleterious substance; nor shall any person offer for sale within said cities any butter or cheese made from such unwholesome milk; and any person violating the provisions of this section shall, upon conviction, be punished by a fine of not less than five nor more than twenty dollars for each and every such offense.

—meat.

SEC. 8. That on and after the passage of this ordinance it shall be unlawful for any person or persons to sell or expose for sale within the cities of Washington and Georgetown, any unsound, blown, or unwholesome meat, or other article of food, under a penalty of not less than five nor more than twenty-five dollars for each and every such offense.

AN ORDINANCE

To provide for the inspection of streets, food, live-stock, fish and other marine products in the cities of Washington and Georgetown, and to define the duties of inspectors and other officers of the Board of Health.

SECTION

1. Health-officer and inspectors of streets, food, &c.
2. Health-officer's duty.
3. Inspector's duty to inspect streets.
4. —to inspect food.
5. —to inspect live-stock.
6. —to inspect fish.
7. —powers of fish inspectors.
8. Proceedings when meat, &c., is found unwholesome.
9. Penalty for hindering, &c., health-officers and inspectors.

Drain pipes.

Be it ordained, &c.

Health-officer and inspectors of streets, food, &c.

[SECTION 1], That there shall be appointed by the board of health a Health-Officer and such inspectors as may be required, who shall be assigned to the several duties of inspection of streets, of food, of live-stock, of fish and other marine products, or detailed for the performance of such other duties as may be necessary.

Health-officer's duty.

SEC. 2. That it shall be the duty of the health-officer, as he may be directed by this board, to execute or cause to be executed, the ordinances, resolutions, and orders of the board, and generally, according to its instructions, to exercise a practical supervision in respect to inspectors, pound-masters, and the clerical force in his office; and said Health-officer shall devote his services to the aforesaid purposes as the Board may direct.

Inspector's duty to inspect streets.

SEC. 3. That it shall be the duty of each Inspector of streets to visit every part of his district daily, and carefully inspect all streets, alleys, yards, and inclosures, horse and cow stables, privies, slaughter-houses, wharves, and every other place where offensive or deleterious matter may exist, and to report promptly to the Health-officer any and all nuisances injurious to health; and the inspectors of streets shall perform such other duties and special inspections as may be directed by the Health-officer.

Inspector to inspect food.

SEC. 4. That it shall be the duty of each inspector of food to attend the market or markets within his inspection-district every morning, at the time when sales commence, and carefully inspect all meats, fowl, game, and vegetables offered for sale, and condemn, seize, and cause to be removed such as may be diseased, or from any other cause rendered unfit for food. He shall also visit, as early as practicable each day, every green-grocery or other place within his district, where articles of food are kept for sale, and perform his duty of inspection, condemnation, seizure, and removal as hereinbefore prescribed. He shall report his official proceedings daily to the Health-officer, and in the performance of his duties shall be under the direction of said officer; and the inspectors of food shall perform such other duties and special inspections as may be directed by the Health-officer.

—to inspect live-stock.

SEC. 5. That it shall be the duty of the inspector of live-stock to carefully inspect all cattle, hogs, sheep, or other animals intended to be killed and sold for consumption as food in the cities of Washington and Georgetown, and to condemn all such as may be diseased, or from any other cause rendered unfit for food; and it is hereby made the duty of said inspector to brand with the letter "C" all cattle, hogs, sheep, or other animals condemned as aforesaid, and said Inspector shall report his official proceedings daily to the Health-officer.

—to inspect fish.

SEC. 6. That it shall be the duty of the inspector of fish and other marine products to examine and inspect all fish, oysters, clams, lobsters, and other marine products, landing by boat, arriving by rail, or otherwise brought by any person or persons into the cities of Washington and Georgetown; and if, upon such inspection, said inspector shall find any of the said marine products to be in an unsound, diseased, or unwholesome condition, it shall be his duty to prohibit their sale; and the said inspector of fish is hereby authorized, empowered, and directed to condemn, seize, and remove any unsound, diseased, or unwholesome fish, oysters, clams, lobsters, crabs, or other marine products which may be offered for sale as food within the cities of Washington and Georgetown.

Powers of fish inspector.

SEC. 7. That in the performance of the duties herein prescribed the Inspector of Fish shall be, and is hereby, authorized and empowered to board all boats, vessels, steamboats, and cars, and to stop all vehicles believed by him to contain fish or other marine products, for the purpose of enforcing the provisions of this ordinance, and said Inspector shall report his official proceedings daily to the Health-officer.

Proceedings when meat, &c., is found unwholesome.

SEC. 8. That upon any cattle, meat, birds, fowls, fish or other marine products, vegetables, or other articles of food being found by any inspector or other officer of the Board of Health in a condition which is, in his judgment, unwholesome, and unfit for use as human food, or in a condition or of a quality forbidden by the ordinances of this Board, but with respect to the quality and condition of which articles of food said Inspector or other officer may be in doubt, he shall forbid the sale thereof, and order that the same be set aside, and shall at once notify the Health-officer of such action; and if, upon inspection, the Health-officer shall concur in the judgment of the Inspector or other officer aforesaid, said Health-officer shall prohibit the sale and order the removal of said articles, according to the regulations of the Board of Health; and if the Health-officer shall not concur in the judgment of the Inspector or other officer aforesaid, the sale of said articles shall be allowed. But if, upon inspection, the Health-officer is in doubt as to whether said articles should be condemned or not, then the committee on food-inspections of the Board of Health shall decide whether or not said articles shall be condemned and the sale thereof forbidden: *Provided*, That no article of food, in a decayed or offensive condition, shall be allowed to remain where found, but the same shall be caused to be removed forthwith by the inspector or officer aforesaid, according to the rules and regulations of the Board of Health.

Penalty for hindering, &c., health officer and inspector.

SEC. 9. That any person who shall molest, hinder, or in any manner prevent said Health-officer or any inspector appointed by this Board from performing any duty imposed upon him or them by the provisions of this ordinance, shall be punished by a fine of not less than twenty nor more than one hundred dollars for each and every such offense.

AN ORDINANCE

To amend section 10 of the code, so as to read:

Drain-pipes; when declared nuisances, &c.

Drain-pipes; when declared nuisances, &c.

SECTION 10. *And be it further ordained and enacted*, That drain-pipes, soil-pipes, or passages into sewers, which are of inadequate and insufficient size, or which are not provided with proper sewer-traps, within the District of Columbia, are hereby declared nuisances, injurious to health; and any person or persons, whether owner or tenant (board, department, or corporation officer,) using or possessing any drain-pipe, soil-pipe, passage or connection between any sewer and any ground, building, or place of business, who shall fail to make such drain-pipe, soil-pipe, passage or connection of adequate or sufficient size to allow the free and entire passage of all that enters or should enter the same, *and provide them with proper sewer-traps;* and who shall fail, after notice duly served upon him, to supply such pipes of adequate and sufficient size, *and provided with proper sewer-traps*, shall be deemed guilty of keeping and maintaining a nuisance, and, upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than ten dollars.

July 30, 1875.

AN ORDINANCE

To amend ordinance passed May 13, 1873, to read as follows:

Water-closets; when declared nuisances, &c.

Water-closets; when declared nuisances, &c.

SECTION 1. That all water-closets and privies connected with any house, building, or premises within the District of Columbia, in and upon which people live, or where they do congregate or assemble, or any kind of business is done, kept in an uncleanly and foul condition, and from which offensive smells and noxious gases arise, and all water-closets located within and being a part of any such house or building not provided with proper sewer-traps, so as to prevent the return and escape of noxious gases and offensive odors from any public or private sewer connected therewith, are hereby declared to be nuisances, injurious to health; and any person creating, keeping, and maintaining such nuisance, after due notice served upon him by this board to abate the same within twenty-four hours or within such reasonable time as may be determined by this board, shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than twenty-five dollars for each and every day such nuisance is allowed to remain unabated.

July 30, 1875.

AN ORDINANCE

To prevent committing or creating nuisances in or about public urinal or urinals located within the cities of Washington and Georgetown.

Obstructions, &c., to urinals.

Obstructions, &c., to urinals.

Be it ordained, &c.,

That fœcal matter deposited in or about any public urinal or urinals located within the cities of Washington or Georgetown, defecating in or about said urinal or urinals, or obstructing the same in any manner or by any means whatever, are hereby declared to be nuisances, injurious to health, and any person convicted of committing or creating either of said nuisances shall be fined not less than ten dollars nor more than fifty dollars for every such offense.

December 28, 1876.

RULES AND REGULATIONS IN REGARD TO SMALL-POX.

Par. 1. Small-pox: the disease.
Par. 2. Vaccination.
Par. 3. Isolation.
Par. 4. Warning-signs.
Par. 5. Disinfection.
Par. 6. Care of sick room.
Par. 7. Notice to board of health.
Par. 8. Interments.
Par. 9. Small-pox ambulances, inspectors, and drivers.
Promulgation.
Physicians attending small-pox patients.
Regulations to prevent the spread of small-pox.

Small-pox: the disease.

[*Par* 1.] The essential nature of small-pox is to diffuse itself, and, under certain favorable conditions, it is not only communicable from person to person, but capable of being transported to great distances.

To prevent the propagation of the specific poison, the following sanitary regulations have been adopted by the Board of Health and approved by the Governor of the District of Columbia:

Vaccination.

[*Par.* 2.] Parents and guardians shall cause their children and wards to be vaccinated before they attain the age of two years, and revaccinated whenever the Board of Health shall, after five years from the last vaccination, require it.

The Board of Health hereby orders and requires the vaccination of all the inhabitants in the District of Columbia, and, whenever in their opinion the public health demands it, the revaccination of all persons who do not furnish satisfactory evidence that they have been successfully vaccinated or revaccinated within five years.

The Board of Health will furnish the means of vaccination to such persons as are unable to pay for the same. For this purpose the physicians to the poor, or their assistants, will be directed to vaccinate the poor gratuitously; and, whenever the exigency requires it, physicians will be employed to go from house to house for the purpose of vaccinating all people who need vaccination.

Principals of incorporated manufacturing companies, superintendents of almshouses, reform and industrial schools, lunatic-hospitals, and of all other charities where the poor and sick are received; masters of houses of correction, jailers, keepers of prisons, and directors or officers of all institutions supported or aided by the District of Columbia, shall, at the expense of their respective corporations or institutions, cause all inmates thereof to be vaccinated immediately upon their admission thereto, unless they produce sufficient evidence of previous successful vaccination having taken place within five years.

Isolation.

[*Par.* 3.] Small-pox being eminently contagious and infectious, isolation forms an imperative necessity for the prevention of its propagation. Whenever, therefore, a case of small-pox occurs in a dwelling containing more than two inhabitants, it shall be the duty of the head of the family to select the most remote apartment for the occupancy of the person afflicted with small-pox—the highest room in the dwelling to be preferred.

And whenever, in a tenement-house and lodging-house, boarding-house, or hotel, the person afflicted by the small-pox cannot be isolated to the satisfaction of the Health-officer, said person shall be removed to the small-pox hospital by agents employed for the purpose by the Board of Health.

Warning-signs.

[*Par.* 4.] Wherever a case of small-pox breaks out in any dwelling or place, the warning-flag (made of yellow flannel) shall be attached to, and exposed from, the premises occupied by said case, as a warning to the passer-by of the presence of small-pox in that locality. And if the yellow flag be not immediately attainable, a placard, on which is written, in large and legible letters, "Small-pox here," shall be fastened upon an exposed part of the infected house or dwelling.

Disinfection.

[*Par.* 5.] It shall be the duty of those in whose dwellings small-pox occurs to fumigate the house, and the room of the patient, with sulphur three times a day; to cleanse and disinfect every part of the dwelling by the free use of chlorinated soda, carbolic acid, bromo chloralum, or such other disinfectant as the Board of Health may direct.

A cloth of the size of a square yard, steeped in a solution of chlorinated soda, carbolic acid, or bromo chloralum, shall be hung in the patient's room and kept constantly saturated with the said disinfectants.

Care of sick-room.

[*Par.* 6.] The room of the patient shall be kept thoroughly ventilated, and no other person than a nurse who has had the small-pox, or a member of the family, shall be allowed to enter the same. Persons being in attendance upon the sick shall not come in contact with other inmates or persons, unless they have been previously properly fumigated and disinfected, and have changed the clothing worn by them while in the sick-room.

It shall be the duty of said attendants to see that no clothing is conveyed from the sick-room that has not been previously disinfected and fumigated. And, moreover, all clothing in said room, or worn by the patient while affected by small-pox, shall be kept distinct and separate, and shall be given out to be washed only to persons who have had the small-pox, the fact to be stated in every instance that they are from a small-pox patient, and must, therefore, be kept and washed separately.

Notice to Board of Health.

[*Par.* 7.] It is the duty of every good citizen immediately to notify the Board of Health of every case of small-pox coming to his knowledge. But it is especially enjoined by law upon the proprietors of tenement-houses, lodging-houses, boarding-houses, and hotels, to notify the Board of Health of the presence of small-pox in their respective abodes, under penalty of fine and imprisonment, and this law against all persons concerned will be strictly enforced.

Interments.

[*Par.* 8.] It shall be the duty of the citizen to immediately notify the Board of Health of the death of any person from small-pox, of which he may have knowledge, and no one except such as may have had the small-pox, and the officers of the Board of Health assigned to that duty shall take charge of, dress, or bury the body of the person who has thus died.

The interment of persons dying from small-pox shall take place within six hours after death, or as soon as the circumstances of the case will allow; and no person who has died of small-pox shall be buried in private or public cemeteries or burying-grounds without a permit from the Board of Health, a member of the same, or the Health-officer.

Whenever funeral obsequies may be desired, the body shall be placed in a hermetically-sealed metal coffin, and no person will be allowed to be present at said obsequies or follow the corpse to the grave except the nearest kin-relations; and under no circumstances shall a corpse infected with small-pox be taken to a church or meeting-house, but it shall be conveyed directly from the house to the grave.

When people are so poor as to be unable to incur the expense of coffin and burial, any undertaker appointed to furnish coffins to the poor shall provide the coffin, and in every case shall take the same to the house in which the corpse lies, but shall not place said corpse in the coffin, or take any part in laying out the dead, unless he has had the small-pox, and properly fumigated and disinfected his clothing. The laying-out of the body and the burial shall be done by the officers appointed for that purpose by the Board of Health.

Small-pox ambulances, inspectors, and drivers.

[*Par.* 9.] The small-pox ambulances shall be kept at the small-pox hospital.

The ambulance shall be accompanied by an inspector whenever needed for the removal of small-pox patients or otherwise.

The inspector accompanying the ambulance and the driver are forbidden from entering street-cars or any public conveyance.

They shall also keep a suit of clothing to wear during the service of removing small-pox patients; said suit of clothing to be kept fumigated and disinfected at all times, and under no circumstances shall they wear the said clothing when off duty.

The inspector attending to small-pox patients and the driver of the ambulance shall, until otherwise ordered, wear a linen suit while on duty.

The inspector detailed to attend to the removal of small-pox patients shall fumigate and disinfect the dwellings where small-pox cases occur. He shall see that the clothing is properly disinfected, packed up, carried safely to the almshouse, and destroyed. He shall keep an account of the clothes or furniture of poor persons which have been destroyed, the probable value of the same, and the names of the parties to whom they belong, and give a receipt for the same.

Under no circumstances shall the ambulance be allowed to tarry in the streets, except for such length of time as will be required to remove the patient or the body.

The ambulance shall not be taken to any place for repair; but, if repair is needed, a person having had the small-pox shall be engaged to mend it *at its regular depository*.

In driving the ambulance to any point, care shall be taken to avoid crowded streets, school-houses, or frequented places. The driver shall, as far as practicable, keep out of crowded thoroughfares, and shall avoid meeting or passing any procession, funeral, or large concourse of people.

The inspector shall display the yellow flag from every dwelling containing small-pox; and if said flag be taken away without authority, the Health-officer must be immediately notified of the fact.

The inspector of each district shall be notified of the presence and locality of small-pox cases in his district; and it shall be his duty to see that the quarantine regulations relating to houses having the small-pox within are properly enforced, and that no person exposed to the contagion be allowed to go out of the dwelling or come in contact with any other person.

The inspector shall, in an urbane manner, inform the people of the quarantine regulations imposed by the Board of Health regarding small-pox, but shall cause no unnecessary hardship.

The inspector detailed to attend to the small-pox shall first ascertain whether the case can be isolated in the dwelling, so as not to expose the other inmates to the disease.

Whenever a patient in a tenement, lodging-house, boarding-house or hotel is so situated that he cannot be isolated from other inmates, he or she shall be removed and taken to the hospital; and if any person interferes with the execution of this order, or the patient refuses to obey, the law shall be enforced against such person or persons.

If it come to the knowledge of any inspector that cases of small-pox are kept in tenement-houses, lodging-houses, boarding-houses, or hotels without the proper notice having been given to the Board of Health as required by law, the inspector shall make immediate report to the Health officer, stating the name of the person or persons causing or abetting in the violation of this law.

In all cases where there is doubt whether a person is really afflicted with small-pox, a physician's opinion should be secured before removing the patient.

The inspector shall see that the rules regarding the interment of persons who die of small-pox be complied with.

Promulgation.

The foregoing rules and regulations are made and promulgated by the Board of Health of the District of Columbia, in accordance with an act entitled "An act for the prevention of diseases in the District of Columbia," passed by the legislative assembly of said District, and approved by the governor thereof, June 19, 1872.

Physicians attending small-pox patients.

It shall be the duty of every physician resident of the District of Columbia, or otherwise, attending upon any person affected by small-pox within said District, to report to the Board of Health said case of small-pox within twelve hours after his first visit and discovery of the disease of said person; the name and residence of said person; and whether the room or residence in which said person may be situated and attended has been and is fumigated and disinfected according to the "rules and regulations" aforesaid.

Regulations to prevent the spread of small-pox.

All school trustees, school teachers, or others having authority, are forbidden to receive into or allow to attend any school, public or private, within the District of Columbia, any pupil not vaccinated, as required by the "rules and regulations" heretofore made and promulgated by this board.

February 14, 1873.

REGULATIONS

To secure a full and correct record of vital statistics, including the registration of marriages, births, and deaths, the interment, disinterment, and removal of the dead in the District of Columbia.

Registrar of vital statistics.
— marriages to be reported to.
— births of children to be reported to.
— deaths to be reported to.
Interments or disinterments not to take place without permit.
Dead bodies not to be moved without permit.
Health-officer to investigate cause of death.
Physicians, midwives, sextons and superintendents of cemeteries to register their names.
Penalties and repeal.
When takes effect.
Registered physicians to be graduates of medical schools.
Meaning of term "physical condition."
Enforcement of regulations.

Registrar of vital statistics.

[*First.*] It is hereby ordered by the Board of Health of the District of Columbia, that there shall be elected or appointed from its members, as the Board may direct, an officer named and known as the registrar of vital statistics of the District of Columbia, but who may be designated registrar, and who shall, under the direction of said board, keep a full and correct record of vital statistics, issue such permits as are hereinafter required, make and publish a weekly statement of births, marriages, and deaths in said District, and perform such other duties as are hereinafter provided.

— marriages to be reported to.

Second, that it shall be the duty of every clergyman, magistrate, or other person who shall perform any marriage ceremony within the District of Columbia, to report each marriage ceremony solemnized by him to the registrar aforesaid, within forty-eight hours thereafter, giving the full name, age, color, occupation, birthplace, (State or Country,) and legal residence of each person married, and the date of such marriage.

— births of children to be reported to.

See below after regulation eleven.

Third. That any physician, accoucheur, midwife, or other person in charge who shall attend, assist, or advise at the birth of any child within the District of Columbia, shall report to the registrar aforesaid, within six days thereafter, stating distinctly the date of birth, sex, and color of the child or children born, its or their physical condition, whether still-born or not, the full name, nativity, and residence of the parents, and maiden name of the mother of such child or children.

— deaths to be reported to.

Fourth. That whenever any person shall die within the District of Columbia it shall be the duty of the physician attending such person during his or her last sickness, or of the Coroner of the District when the case comes under his official notice, to furnish and deliver to the undertaker, or other person superintending the burial of said deceased person, a certificate, duly signed, setting forth, as far as the same may be ascertained, the name, age, color, sex, nativity, (giving State or Country,) occupation, whether married or single, duration of residence in the District of Columbia, cause, date, and place of death, (giving street and number,) and duration of last sickness of such deceased person. And it shall be the duty of the undertaker, or other person in charge of the burial of such deceased person, to state in said certificate the date and place of burial, and having signed the same, to forward it to the Registrar aforesaid within twenty-four hours after such death: *Provided*, That in case of death from any infectious or contagious disease said certificate shall be so made and forwarded within eight hours thereafter.

Interments or disinterments not to take place without permit, &c.

Fifth. That no interment or disinterment of the dead body of any human being, or disposition thereof in any tomb, vault, or cemetery shall be made within the District of Columbia without a permit therefor, granted by the board of health of said District, nor otherwise than in accordance therewith. And no sexton or other person shall assist in or assent to, or allow any such interment or disinterment to be made until such permit has been given, as aforesaid; and it shall be the duty of every sexton or other person having charge of any burying-ground, cemetery, tomb, or vault, as aforesaid, who shall receive any such permit, to preserve and return the same to the registrar aforesaid, before 6 o'clock p. m. of the Saturday following the day of burial; and no sexton, undertaker, or other person shall bury, or cause to be buried, the body of any deceased person within the District of Columbia, except in such grounds as are now known and used as burial-grounds, or such as shall hereafter be by law designated and authorized to be used as such.

Dead bodies not to be carried through District without permit.

Sixth. That no dead body, or part of the dead body of any human being shall be in any manner carried or conveyed from, in, to, or through the District of Columbia, by any person, or by means of any boat, vessel, car, stage, or other vehicle, or by public or private conveyance, without a permit therefor first granted by the Board of Health of said District; and when the remains of any deceased person are to be conveyed, transferred, or removed beyond the limits of the District of Columbia, it shall be the duty of the person, or agent or officer of the corporation having charge of the conveyance, transfer, or removal, to detach, sign, and return the coupon attached to said permit to the Registrar of Vital Statistics of the Board of Health aforesaid, before 5 o'clock p. m. of the Saturday following the conveyance, transfer, or removal of said remains; *Provided*, That the same effect may be given by said board to a burial or transit permit issued by the proper authority of any other place or jurisdiction, when the death of the person named in the permit shall have occurred within such place or jurisdiction.

Health-officer to investigate cause of death in certain cases.

Seventh. That whenever a permit for burial is applied for, in case of death without the attendance of a physician, or if it be impossible to obtain a physician's certificate, it shall be the duty of the Health-officer to investigate the cause and circumstances of such death, to make and sign the certificate required by section 4 of these regulations, and if not satisfied as to the cause and circumstances of such death, he shall so report to the Board of Health, who shall refer the case to the coroner of the District for investigation and report, and said coroner is hereby required to make such investigation and report.

Physicians, midwives, sextons, &c., to register their names.

See below.

Eighth. That it shall be the duty of every physician, accoucheur, midwife, undertaker, sexton or superintendent of any cemetery, or other person having charge of the same, practicing medicine or doing business within the District of Columbia, to register his or her name in a book or books to be provided for such purpose, at the office of the Board of Health of said District, giving full name, residence, and place of business, and in case of removal from one place to another in said District, to make change in said register accordingly.

Penalties.

Ninth. That any person who shall violate, or aid and abet in violating, any of the provisions of the foregoing regulations, shall, upon conviction thereof by competent judicial authority, be punished by a fine of not less than twenty-five nor more than two hundred dollars for each and every such offense.

Repeal.

Tenth. That all rules, regulations, and ordinances heretofore passed by this Board inconsistent with the provisions of these regulations be, and the same are hereby, repealed.

When takes effect.

Eleventh. That these regulations shall take effect and be in force on and after the first day of August, A. D. 1874.

Registered physicians to be graduates of medical schools.

[*First.*] It is hereby ordered that physicians required to register their names under the 8th regulation of the Board, to secure a full and correct record of vital statistics, do so upon a license received from some chartered medical society or upon a diploma received from some medical school or institution.

Meaning of term "physical condition."

Second. That the expression "physical condition," as employed in the statute heretofore enacted by the legislative assembly of the District, and incorporated in the 3d regulation, be defined as follows: "*The general physical condition*, whether healthy or unhealthy." But in no case will the Board require in the enforcement of this rule that sick-bed or confidential communications made to physicians be revealed in the report required by this 3d regulation.

Enforcement of regulations.

Third. That on and after the 15th day of next month, by which time all physicians of the city may have registered according to the requirements of the Board, the regulation with regard to penalties be rigidly enforced; and that up to that date the regulation with regard thereto, as far as any violations thereof have occurred, and as far as this Board is concerned, as prosecutors, the same be not enforced.

[*August* 28, 1874.]

NUMBER 31.

May 8, 1880.

21 Stat. L., 306.

JOINT RESOLUTION AUTHORIZING THE PUBLIC PRINTER TO PRINT ADDITIONAL COPIES OF BILLS AND OTHER PUBLIC DOCUMENTS.

Public documents furnished at cost, &c.

Public documents to be furnished at cost, &c. R. S., § 3809.

Resolved, &c., That the Public Printer be and he is hereby directed to furnish to all applicants copies of bills and reports and other public documents hereafter printed by order of Congress and distributed from the Document Rooms of the Senate and House on said applicants paying the cost of such printing with ten per centum added, and giving the notice required by section thirty-eight hundred and nine of Title forty-five of the Revised Statutes. [*May* 8, 1880.]

NUMBER 44.

June 7, 1880.

21 Stat. L., 308.

JOINT RESOLUTION TO PROVIDE FOR THE PUBLICATION AND DISTRIBUTION OF A SUPPLEMENT TO THE REVISED STATUTES.

Supplement to Revised Statutes to be prepared and published.
— distribution of.
— to be kept for sale.
— distribution to members of the Forty-sixth Congress.
— to be prima facie evidence.

Supplement to Revised Statutes to be prepared and published.

Resolved, &c., That the Supplement to the Revised Statutes, embracing the statutes general and permanent in their nature passed after the Revised Statutes with references connecting provisions on the same subject, explanatory notes, citations of judicial decisions, and a general index, prepared by William A. Richardson, be stereotyped at the Government Printing Office; and the index and plates thereof and all right and title therein and thereto shall be in and fully belong to the government for its exclusive use and benefit.

That six thousand three hundred and fifty-seven copies be printed, bound, and distributed as provided for the distribution of the Revised Statutes by the "Joint resolution providing for the distribution and sale of the new edition of the Revised Statutes of the United States", passed May twenty-second, eighteen hundred and seventy-eight, and joint resolution passed December twenty-first, eighteen hundred and seventy-eight, and such additional copies, on the order of the Secretary of State, as may be necessary from time to time, to be kept for sale in the same manner and on like terms as the Revised Statutes are required to be kept for sale, and to supply deficiencies and offices newly created; that for preparing and editing said supplement, including indexing and all clerical work necessary to fully complete said work, including the legislation of the Forty-sixth Congress, there shall be paid to said editor the sum of five thousand dollars;

Supplement to Revised Statutes: distribution of.
1878, May 22, Res. No. 22, p. 387.
1878, Dec. 21, Res. No. 1, 481.
1881, Feb. 8, ch. 35.
—to be kept for sale.

And each Senator and Member of the present Congress who would not receive copies under said joint resolutions shall receive the same number of copies as other Senators or Members receive under the same.

—distribution to members of Forty-sixth Congress.

The publication herein authorized shall be taken to be prima facie evidence of the laws therein contained in all the courts of the United States and of the several States and Territories therein; but shall not preclude reference to, nor control, in case of any discrepancy, the effect of any orignal act as passed by Congress: *Provided*, That nothing herein contained shall be construed to change or alter any existing law. [*June 7, 1880.*]

—to be *prima facie* evidence.

NUMBER 52.

JOINT RESOLUTION FOR THE RELIEF OF CERTAIN PERSONS IN RESPECT OF DUTIES DEMANDED OF THEM UPON THE IMPORT OF CERTAIN ARTICLES NAMED THEREIN.

June 14, 1880.
21 Stat. L., 309.

Preamble.
Cut hoops, barrel hoops, &c., contracted for prior to March 12, 1880, for transportation to pay duty at 35 per cent.

—duties paid in excess to be refunded.

Whereas, by a circular of the Secretary of the Treasury issued in eighteen hundred and seventy-eight, after a decision of a case between the United States and an importer in the circuit court of the United States for the southern district of New York, all the articles named in the following resolution were directed to be imported on payment of a duty of thirty-five per cent ad valorem: and

Preamble.

Whereas, the Secretary of the Treasury by letter of March twelfth, eighteen hundred and eighty, to the House of Representatives has communicated his purpose to revoke said circular, and subject said articles to the specific duty imposed by existing law on all band, hoop and scroll iron; and

Whereas, it is represented, that confiding in the said circular of the year eighteen hundred and seventy-eight parties have contracted for such articles to be imported under the duty of thirty-five per centum ad valorem, and it is right and proper to relieve them from the effect of the change of orders by the Secretary of the Treasury upon his construction of the existing law, but without intending to alter existing law, or to interpret by legislative act the effect thereof, leaving that to the judicial tribunals, except as to the special cases herein provided for: Therefore,

Resolved, &c., That the Secretary of the Treasury be, and he is hereby authorized and directed to cause to be levied upon all articles under the designation of "cut hoops", "hoops cut to length", "hoops cut and punched", and "barrel hoops", the duty of thirty-five per centum ad valorem, which shall be shown to the satisfaction of the Secretary of the Treasury to have been ordered under bona fide and absolute contracts made and entered into prior to March twelfth, eighteen hundred and eighty, and which shall be imported from any foreign country into the United States, prior to the first day of January, eighteen hundred and eighty-one.

Cut hoops, barrel hoops, &c., contracted for prior to March 12, 1880, for importation, to pay duty of 35 per cent.

—duties paid in excess to be refunded.

And the amount of any duties in excess of thirty-five per centum ad valorem, paid since the twelfth day of March, eighteen hundred and eighty, upon any of the articles hereinbefore named, which shall be shown as aforesaid to have been imported under such contracts, shall be refunded to the parties entitled thereto out of any money in the Treasury, not otherwise appropriated. [*June* 14, 1880.]

NUMBER 57.

June 16, 1880.

21 Stat. L., 310.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF THE INTERIOR TO CERTIFY SCHOOL LANDS TO THE STATE OF KANSAS.

Lands selected by Kansas for school purposes confirmed to State, &c.

Whereas, the United States has sold and disposed of sections sixteen and thirty-six in certain Indian reservations embraced within the territorial limits of the State of Kansas, in pursuance of treaty obligations; and

Whereas the State of Kansas, in pursuance of a decision of the General Land Office, dated August fourteenth, eighteen hundred and seventy-seven, has selected for school purposes other equivalent lands in lieu of such sections sixteen and thirty-six, disposed of as aforesaid: Therefore,

Lands selected by Kansas for school purposes confirmed to State, &c.

Resolved, &c., That the lands so selected by the State of Kansas be, and the same are hereby, confirmed to said State; and the Secretary of the Interior be, and hereby is, authorized to certify the same to said State, in lieu of sections sixteen and thirty-six, sold and disposed of by the United States, within the limits of any former Indian reservation as aforesaid. [*June* 16, 1880.]

GENERAL LAWS

OF THE

UNITED STATES

ENACTED BY THE

FORTY-SIXTH CONGRESS—THIRD SESSION

IN

THE YEARS 1880-1881.

NOTE.—The omitted chapters and parts of chapters are private, special, local, or temporary acts not of general interest.
In the margin and in the notes, the letters R. S. refer to the Revised Statutes, and STAT. L. to the Statutes at Large.

CHAPTER 1.

AN ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO DISPOSE OF A PART OF THE FORT DODGE MILITARY RESERVATION TO ACTUAL SETTLERS UNDER THE PROVISIONS OF THE HOMESTEAD LAWS, AND FOR OTHER PURPOSES.

Dec. 15, 1880.
21 Stat. L., 311.

Fort Dodge military reservation, in Kansas, in part, to be offered to homestead settlers.
—part may be purchased by Atchison, Topeka and Santa Fé Railroad Company.

Whereas, that portion of the Fort Dodge military reservation hereinafter described is no longer needed for military purposes: Therefore,

Be it enacted, &c., That it shall be the duty of the Secretary of the Interior to cause all that portion of the Fort Dodge military reservation, in the State of Kansas, being and lying north of land owned and occupied by the Atchison, Topeka and Santa Fe Railroad Company for right of way for its railroad; and to cause the same to be surveyed, sectionized, and subdivided as other public lands, and after said survey to offer said lands to actual settlers only, under and in accordance with the homestead laws of the United States:

Fort Dodge military reservation, in Kansas, in part, to be offered to homestead settlers.
R. S., §§ 2257-2317.

Provided, That the said Atchison Topeka and Santa Fe Railroad Company shall have the right to purchase such portion of said reservation as it may need for its use adjoining that now owned by it, not exceeding one hundred and sixty acres, by paying therefor the price at which the same may be appraised under the direction of the Secretary of the Interior. [*December* 15, 1880.]

—part may be purchased by Atchison, Topeka and Santa Fé Railroad Company.

CHAPTER 2.

Dec. 17, 1880.
21 Stat. L., 311.

AN ACT TO AMEND SECTION TWENTY-TWO HUNDRED AND THIRTY-EIGHT OF THE REVISED STATUTES IN RELATION TO FEES FOR FINAL CERTIFICATES IN DONATION CASES.

Fees of registers and receivers for final land certificates in donation cases.

Fees of registers and receivers for final land certificates in donation cases.
R. S., §§ 2238, par. 6.

Be it enacted, &c., That the sixth paragraph of section twenty-two hundred and thirty-eight of the Revised Statutes of the United States be, and the same is hereby, repealed, and that in lieu thereof the following paragraph be substituted:

"A fee in donation cases of two dollars and fifty cents for each final certificate for one hundred and sixty acres of land, five dollars for three hundred and twenty acres, and seven dollars and fifty cents for six hundred and forty acres." [*December* 17, 1880.]

CHAPTER 7.

Dec. 23, 1880.
21 Stat. L., 312.

AN ACT AMENDING SECTION EIGHTEEN HUNDRED AND FIFTY-TWO OF THE REVISED STATUTES OF THE UNITED STATES.

Sessions of Territorial legislatures limited to sixty days.

Sessions of Territorial legislatures limited to sixty days.
Substitute for R. S., § 1852.

Be it enacted, &c., That section eighteen hundred and fifty-two be, and the same hereby is, so amended as to read as follows:

"SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to sixty days' duration." [*December* 23, 1880.]

CHAPTER 10.

Dec. 23, 1880.
21 Stat. L., 313.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A FIXED BRIDGE OVER THE SAINT MARY'S RIVER AND FOR OTHER PURPOSES.

SECTION
1. Bridge over Saint Mary's River in Charlton County, Georgia, authorized. —declared to be head of navigation.
SECTION
2. Act may be altered by Congress, and Secretary of War may cause changes in bridge, &c., to be made if navigation is obstructed.

Be it enacted, &c.

Bridge over Saint Mary's River in Charlton County, Georgia, authorized.

[SECTION 1], That the Waycross and Florida Railway Company and the East Florida Railroad Company be, and they are hereby, authorized to construct a fixed bridge with one span over the Saint Mary's River at the point selected by said companies for crossing said river with their railroad line, about one and one-half miles below Trader's Hill, in Charlton County, Georgia, and to make such bridge of such height as they may see fit:

Provided, The height be sufficient to permit the passage of timber rafts under said bridge;

—declared to be head of navigation.

And such proposed railroad crossing and bridge are hereby declared to be the head of navigation on the said Saint Mary's River.

Act may be altered by Congress, and Secretary of War may cause changes in bridge, &c., to be made if navigation is obstructed.

SEC. 2. That Congress reserves the right to alter or amend or repeal this act at any time and that if at any time the navigation of the said river shall in any way be obstructed or impaired by the said bridge the Secretary of War shall have authority and it shall be his duty to require the said railroad companies to alter and change the said bridge at their own expense in such manner as may be proper to secure free and complete navigation without impediment, and if upon reasonable notice to said railroad companies to make such change or improvements they shall fail to do so the Secretary of War shall have authority to make the same and all the rights conferred by this act shall be forfeited, and Congress shall have power to do any and all things necessary to secure the free navigation of the river. [*December* 23, 1880.]

CHAPTER 19.

AN ACT FOR THE RELIEF OF CERTAIN SETTLERS ON RESTORED RAILROAD LANDS.

Jan. 13, 1881.

21 Stat. L., 315.

Settlers on railroad lands restored to public domain permitted to purchase within limited time.

Be it enacted, &c., That all persons who shall have settled and made valuable and permanent improvements upon any odd numbered section of land within any railroad withdrawal in good faith and with the permission or license of the railroad company for whose benefit the same shall have been made, and with the expectation of purchasing of such company the land so settled upon, which land so settled upon and improved, may, for any cause, be restored to the public domain, and who, at the time of such restoration, may not be entitled to enter and acquire title to such land under the pre-emption, homestead, or timber-culture acts of the United States, shall be permitted, at any time within three months after such restoration, and under such rules and regulations as the Commissioner of the General Land Office may prescribe, to purchase not to exceed one hundred and sixty acres in extent of the same by legal sub-divisions, at the price of two dollars and fifty cents per acre, and to receive patents therefor. [*January* 13, 1881.]

Settlers on railroad lands restored to public domain permitted to purchase same within limited time.

CHAPTER 23.

AN ACT FOR THE RELIEF OF THE WINNEBAGO INDIANS IN WISCONSIN, AND TO AID THEM TO OBTAIN SUBSISTENCE BY AGRICULTURAL PURSUITS, AND TO PROMOTE THEIR CIVILIZATION.

Jan. 18, 1881.

21 Stat. L., 315.

SECTION

Preamble.
Winnebago Indians in Wisconsin who have settled upon homestead claims under act of 1875.
— fund in Treasury belonging to.
1. Census of tribe in Nebraska and Wisconsin to be taken.
2. Annuities, &c., heretofore appropriated to be distributed by Secretary of Interior pro rata.
Claimants to benefits to show that they have taken up homesteads, &c.
3. Future distribution of annuities; how made.
4. Adjustment of amount between Indians in Wisconsin and those in Nebraska.
Balance found in favor of Indians in Wisconsin; how secured, &c.
— amount of.
5. Titles of Wisconsin Indians to lands inalienable, &c., and free from tax for twenty years.
This section to be inserted in patents under act.

Whereas a large number of the Winnebago Indians of Wisconsin have selected and settled in good faith upon homestead claims, under section fifteen of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes", approved March third, eighteen hundred and seventy-five, and all said Indians having signified their desire and purpose to abandon their tribal relations and adopt the habits and customs of civilized people, and avail themselves of the benefits of the aforesaid act, but in many instances are unable to do so on account of their extreme poverty; and

Preamble. Winnebago Indians in Wisconsin who have settled upon homestead claims under act of 1875, March 3, ch. 131, §§ 15, 16.

Whereas a portion of the funds belonging to said Winnebago Indians of Wisconsin, and accruing under the act of June twenty-fifth, eighteen hundred and sixty-four, "providing for deficiencies in subsistence and expenses of removal and support of the Sioux and Winnebago Indians of Minnesota", amounting to the sum of ninety thousand six hundred and eighty-nine dollars and ninety-three cents, is now in the Treasury of the United States to their credit; and

— fund in Treasury belonging to. 1864, ch. 148 (13 Stat. L., 172).

Whereas the major portion of the fund belonging to said Indians under said act of June twenty-fifth, eighteen hundred and sixty-four, together with the sum of one hundred thousand dollars of the principal fund of the tribe, has since said date been expended for the benefit of that portion of the Winnebago Indians residing in Nebraska; and

Whereas the location of said Winnebago Indians of Wisconsin has, under the said act of March third, eighteen hundred and seventy-five, become permanent: Therefore

Be it enacted, &c.

Census of tribe in Nebraska and Wisconsin to be taken.

[SECTION 1], That the Secretary of the Interior be, and he is hereby authorized and directed to cause a census of the tribe of Winnebago Indians, now residing in Nebraska and Wisconsin to be taken; said enrollment to be made upon separate lists; the first to include all of said tribe now residing upon or who draw their annuities at the tribal reservation in Nebraska, and the second to embrace all of said tribe now residing in the State of Wisconsin.

Annuities, &c., heretofore appropriated to be disbursed by Secretary of Interior pro rata.

1864, ch. 148 (13 Stat. L., 172).

1874, ch. 389; 1875, ch. 132 (18 Stat. L., 170, 444).

1876, ch. 289; 1877, ch. 101 (19 Stat. L., 194, 288).

1878, ch. 142; 1879, ch. 87 (20 Stat. L., 82, 312).

1880, ch. 85 (21 Stat. L., 128).

SEC. 2. That upon the completion of the census of the Winnebago Indians in Wisconsin, the Secretary of the Interior is authorized and directed to expend for their benefit the proportion of the tribal annuities due to and set apart for said Indians under the act of June twenty-fifth, eighteen hundred and sixty-four, of the appropriations for the tribe of Winnebago Indians for the fiscal years eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, eighteen hundred and seventy-nine, and eighteen hundred and eighty, amounting to ninety thousand six hundred and eighty-nine dollars and ninety-three cents;

And the Secretary of the Interior shall also expend for the benefit of said Indians, out of the sum of forty-one thousand and twelve dollars and seventy-four cents now in the Treasury to the credit of the Winnebago tribe of Indians, and accruing under treaty appropriations for the fiscal year eighteen hundred and seventy-three and prior years, such sum as may upon the completion of said census, be found necessary to equalize the payments between the two bands on account of the payment of the sum of one hundred thousand dollars in the year eighteen hundred and seventy-two from the principal funds of the tribe to the Winnebagoes in Nebraska. And all of the said sums shall be paid pro-rata to those persons whose names appear upon the census-roll of the Winnebagoes of Wisconsin, heads of families being permitted to receive the full amount to which all the members of the family are entitled:

Claimants to benefits to show that they have taken up homesteads, &c.

1875, March 3, ch. 131, § 15.

Provided, That before any person shall be entitled to the benefits accruing under this act, it shall be made to appear that the person claiming its benefits, or the head of the family to which such person belongs, has taken up a homestead in accordance with the said act of March third, eighteen hundred and seventy-five, or that, being unable to fully comply with the said act by reason of poverty, he or she has made a selection of land as a homestead, with a bona fide intention to comply with said act, and that the money applied for will be used to enter the lands so selected, and for the improvement of the same.

Future distributions of annuities; how made.

1863, ch. 53 (12 Stat. L., 658).

SEC. 3. That in the future distribution of the annuities of the said tribe of Winnebago Indians, a pro-rata division, according to the number of each band as shown by said census, shall be made between that portion of said tribe in Nebraska and that portion in Wisconsin; and the moneys belonging to each shall be annually distributed to the members of said bands respectively, in the manner provided by the fifth section of the act of February twenty-first, eighteen hundred and sixty-three, entitled "An act for the removal of the Winnebago Indians, and for the sale of their reservation in Minnesota for their benefit."

Adjustment of amount between Indians in Wisconsin and those in Nebraska.

1864, ch. 148 (13 Stat. L., 172).

SEC. 4. That for the purpose of equitably adjusting the amount due to the Winnebago Indians in Wisconsin, under the act of June twenty-fifth, eighteen hundred and sixty-four, from that portion of the tribe residing in Nebraska, and arising from the failure of the Department of the Interior to set aside from year to year the proportion of the tribal fund belonging to said Wisconsin Winnebagoes, as provided in said act, from the date of the passage of the same to the year eighteen hundred and seventy-six, and the payment of the full amount of the same to the Winnebagoes of Nebraska for such period, the Secretary of the Interior is hereby directed to have an account between said portions of the Winnebago tribe of Indians stated, basing the same upon the census herein provided for, charging the Winnebagoes in Nebraska with the full

amount found to be due to the Wisconsin Winnebagoes under said act for the period named, and crediting them with the amount actually expended in the removal and subsistence of the Wisconsin Winnebagoes at the date of their removal to Nebraska in the year eighteen hundred and seventy-three;

And the balance found in favor of the Winnebagoes of Wisconsin, whatever the amount may be, shall hereafter be held and considered as a debt due to them from that portion of the tribe residing in Nebraska; and until said debt shall have been extinguished the Secretary of the Interior shall cause to be deducted annually from the proportion of annuity moneys due to the Winnebagoes in Nebraska, and to be paid to the Winnebago Indians in Wisconsin, such proportion of the share of annuities belonging to the said Winnebagoes of Nebraska as he may deem right and proper:

Balance found in favor of Indians in Wisconsin; how secured, &c.

Provided, however, That such sum shall not be less than seven thousand dollars per annum.

—amount of.

SEC. 5. That the titles acquired by said Winnebagoes of Wisconsin in and to the lands heretofore or hereafter entered by them under the provisions of said act of March third, eighteen hundred and seventy-five, shall not be subject to alienation or incumbrance, either by voluntary conveyance or by the judgment, decree, or order of any court, or subject to taxation of any character, but shall be and remain inalienable and not subject to taxation for the period of twenty years from the date of the patent issued therefor.

Titles of Wisconsin Indians to lands inalienable, &c., and free from tax for twenty years.
1875, March 3, ch. 131, §§ 15, 16.

And this section shall be inserted in each and every patent issued under the provisions of said act or of this act. [*January* 18, 1881.]

This section to be inserted in patents under act.

CHAPTER 24.

AN ACT RELATING TO THE APPOINTMENT OF PROFESSORS OF MATHEMATICS IN THE NAVY.

Jan. 20, 1881.
21 Stat. L., 317.

Professors of mathematics in Navy to pass physical and professional examination before appointment.

Be it enacted, &c., That hereafter no person shall be appointed a professor of mathematics in the Navy until he shall have passed a physical examination before a board of naval surgeons, and a professional examination before a board of professors of mathematics in the Navy, to be convened for that purpose by the Secretary of the Navy, and received a favorable report from said boards. [*January* 20, 1881.]

Professors of mathematics in Navy to pass physical and professional examination before appointment.
R. S., § 1400.

CHAPTER 25.

AN ACT TO REGULATE THE AWARD OF AND COMPENSATION FOR PUBLIC ADVERTISING IN THE DISTRICT OF COLUMBIA.

Jan. 21, 1881.
21 Stat. L., 317.

SECTION
1. Public advertisements in District of Columbia; to what papers to be given and at what rate of pay.
2. Repeal.

Be it enacted, &c.

In District of Columbia: public advertising in; to what papers to be given and at what rate of pay.
R. S., §§ 3826-3828.
1875, Feb. 18, ch. 80, § 1, par. 1; March 3, ch. 128.
1876, July 31, ch. 246, par. 2.
1878, May 17, ch. 107, § 4; June 20, ch. 359, par. 6.

[SECTION 1], That all advertising required by existing laws to be done in the District of Columbia by any of the departments of the government shall be given to one daily and one weekly newspaper of each of the two principal political parties and to one daily and one weekly neutral newspaper:

Provided, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspapers selected; nor shall any advertisement be paid for unless published in accordance with section thirty-eight hundred and twenty-eight of the Revised Statutes.

SEC. 2. All laws or parts of laws inconsistent herewith are hereby repealed. [*January* 21, 1881.]

Repeal.

CHAPTER 27.

Jan. 25, 1881.
21 Stat. L., 318.

AN ACT AUTHORIZING THE EMPLOYMENT OF AN INSPECTOR OF PLUMBING IN AND FOR THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES.

In District of Columbia, inspector of plumbing to be appointed.
Plumbing regulations to be enforced by health officer; penalty for violation of.

In District of Columbia, inspector of plumbing to be appointed.
1878, June 11, ch. 180.

Be it enacted, &c., That there shall be appointed by the Commissioners of the District of Columbia an inspector of plumbing for said District, whose duty it shall be, to inspect all houses in course of erection, and pass upon the plumbing and sewerage of said houses.

Plumbing regulations to be enforced by health officer.
1878, June 11, ch. 180, §§ 3, 8.

And the health officer of the District of Columbia is hereby authorized, under direction of the Commissioners, to execute and enforce regulations governing plumbing, house drainage, and the ventilation of house sewers;

—penalty for violation of.

And any person who shall neglect or refuse to comply with the requirements of the said regulations when promulgated shall be punishable by a fine of from twenty-five to two hundred dollars for each and every such offense, or in default of payment of fine to imprisonment for thirty days. [*January* 25, 1881.]

CHAPTER 29.

Jan. 28, 1881.
21 Stat. L., 321.

AN ACT TO AMEND SECTION FIVE HUNDRED AND FIFTY-THREE OF THE REVISED STATUTES RELATING TO THE DISTRICT OF COLUMBIA.

In District of Columbia, telephone companies may be formed as other companies are formed.

In District of Columbia, telephone companies may be formed as other companies are formed.
Substitute for R. S. Dist. Col., § 553.

Be it enacted, &c., That section five hundred and fifty-three of the Revised Statutes relating to the District of Columbia be, and is hereby, amended by inserting the word "telephone" after the word "transportation", so as to read as follows:

"SEC. 553. Any three or more persons who desire to form a company for the purpose of carrying on any kind of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, telephone, or marketing business, in the District, or savings bank therein, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of recorder of deeds, a certificate in writing, in which shall be stated". [*January* 28, 1881.]

CHAPTER 33.

Feb. 1, 1881.
21 Stat. L., 322.

AN ACT TO ESTABLISH AN ASSAY-OFFICE IN THE CITY OF SAINT LOUIS MISSOURI.

SECTION
1. Assay-office established at Saint Louis, Mo.
2. —to be provided for in post-office building.

Be it enacted, &c.

Assay-office established at Saint Louis, Mo.
R. S., §§ 343–345, 3495–3570, 3600, 3615.

[SECTION 1], That the Secretary of the Treasury is hereby authorized and required to establish an assay-office at Saint Louis, in the State of Missouri; the said office to be conducted under the provisions of an act entitled (1) "An act revising and amending the laws relative to the mints, assay-offices, and coinage of the United States," approved February twelfth, eighteen hundred and seventy-three.

—to be provided for in post-office building.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to set apart sufficient room for said assay-office in the government building in Saint Louis, now used for a post-office and custom-house, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding ten thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*February* 1, 1881.]

NOTE.—(1) The provisions of the act of 1873, ch. 131 (17 Stat. L., 424), here referred to, are incorporated into the Revised Statutes in the sections noted in the margin, and the act is thereby repealed.

CHAPTER 34.

AN ACT TO AMEND THE LAW RELATIVE TO THE SEIZURE AND FORFEITURE OF VESSELS FOR BREACH OF THE REVENUE LAWS.

Feb. 8, 1881.
21 Stat. L., 322.

Vessels used by common carriers not subject to forfeiture, &c., for violation of revenue laws, &c., committed without privy of owner or master.

Be it enacted, &c., That no vessel used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to seizure or forfeiture by force of the provisions of title thirty-four of the Revised Statutes of the United States unless it shall appear that the owner or master of such vessel, at the time of the alleged illegal act, was a consenting party or privy thereto. [*February* 8, 1881.]

Vessels used by common carriers not subject to forfeiture, &c., for violation of revenue laws, &c., committed without privy of owner or master.
R. S., §§ 2797, 2807, 2867, 2872, 2874, 2887, 2893, 3059, 3061, 3062, 3101, 3104.

CHAPTER 35.

AN ACT TO PROVIDE FOR THE FURNISHING OF CERTAIN PUBLIC DOCUMENTS TO SOLDIERS' HOMES.

Feb. 8, 1881.
21 Stat. L., 322.

Public documents to be sent to the several homes for disabled volunteers. — to be furnished by Public Printer.

Be it enacted, &c., That section forty-eight hundred and thirty-seven of the Revised Statutes of the United States be, and the same is hereby, repealed and re-enacted to read as follows:

Public documents to be sent to the several Homes for disabled volunteers.
R. S., § 4837.

"The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers at Dayton, in Ohio, and to the branches at Augusta, in Maine, Milwaukee, in Wisconsin, Hampton in Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown, in Indiana, each, one copy of each of the following documents: The journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the President, with accompanying documents; the daily Congressional Record, and all other documents or books which may be printed and bound by order of either House of Congress;

And the Public Printer is hereby authorized and directed to furnish to the Secretary of the Senate and the Clerk of the House of Representatives the documents referred to in this section." [*February* 8, 1881.]

— to be furnished by Public Printer.

CHAPTER 39.

AN ACT TO GRANT TO THE CORPORATE AUTHORITIES OF THE CITY OF COUNCIL BLUFFS, IN THE STATE OF IOWA FOR PUBLIC USES, A CERTAIN LAKE KNOWN AS CARR LAKE, SITUATED NEAR SAID CITY.

Feb. 9, 1881.
21 Stat. L., 323.

Carr Lake, Iowa, granted to city of Council Bluffs for public use. — part may be leased. — how managed.

Be it enacted, &c., That there shall be, and is hereby, conveyed to the corporate authorities of the city of Council Bluffs, in the State of Iowa, and their successors in office, the title of the United States to the meandered lake, situated in sections twenty-nine and thirty-two, of township number seventy-four, Pottawatamie County, in the State of Iowa, known as Carr Lake, upon the express conditions that the premises shall be held for public use, resort, and recreation; shall be inalienable for all time;

Carr Lake, Iowa, granted to city of Council Bluffs for public use.

But leases not exceeding ten years may be granted for portions of said premises, all incomes derived from leases of privileges to be expended in the preservation and improvement of the property or the roads leading thereto;

— part may be leased.

The premises to be managed by the said corporate authorities, or such commissioners as they may elect, and who shall receive no compensation for their services. [*February* 9, 1881.]

— how managed.

CHAPTER 45.

Feb. 14, 1881.
21 Stat. L., 324.

AN ACT TO CHANGE THE TIME FOR HOLDING CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES FOR THE WESTERN DISTRICT OF VIRGINIA, HELD AT DANVILLE, VIRGINIA.

SECTION
1. In Virginia, circuit and district courts of western district; when to be held at Danville.
2. Repeal.

Be it enacted, &c.

In Virginia, circuit and district courts of western district; when to be held at Danville.
R. S., §§ 572, 658. 1878, June 11, ch. 182.

[SECTION 1], That the United States circuit and district courts of the United States for the western district of Virginia, held at Danville, in the State of Virginia, shall hereafter be held at said city of Danville commencing on Tuesday after the third Monday in June and on Tuesday after the third Monday in November of each year, instead of the times now fixed by law.

Repeal.

SEC. 2. All laws and parts of laws in conflict with this act are hereby repealed. This act shall be in force from its passage. [*February* 14, 1881.]

CHAPTER 47.

Feb. 15, 1881.
21 Stat. L., 325.

AN ACT TO RESTORE THE LANDS INCLUDED IN THE FORT READING AND FORT CROOK MILITARY RESERVATIONS, IN THE STATE OF CALIFORNIA, TO THE PUBLIC DOMAIN, AND FOR OTHER PURPOSES.

SECTION
1. Forts Reading and Crook reservations restored to public domain.
2. Patents confirmed.
3. Rights of settlers affirmed.

Be it enacted, &c.

Forts Reading and Crook reservations restored to public domain.

[SECTION 1], That the lands included in the Fort Reading military reservation and in the Fort Crook military reservation in the State of California, are hereby restored to the public domain.

Patents confirmed.

SEC. 2. That all patents heretofore issued to any lands within the Fort Reading military reservation and Fort Crook military reservation are hereby confirmed.

Rights of settlers affirmed.

SEC. 3. That the rights of all settlers on said reservation, to acquire title under the homestead and pre-emption laws, are hereby recognized and affirmed to the extent such settlers would have acquired by settling on public lands. [*February* 15, 1881.]

CHAPTER 60.

Feb. 17, 1881.
21 Stat. L., 325.

AN ACT TO AMEND AND RE-ENACT SECTIONS TWENTY-FIVE HUNDRED AND SEVENTEEN AND TWENTY-FIVE HUNDRED AND EIGHTEEN OF THE REVISED STATUTES AND CHANGING THE BOUNDARIES OF A CUSTOMS DISTRICT IN THE STATE OF MAINE.

SECTION
1. Maine customs districts.
Aroostook district; what to comprise.
Bangor district; what to comprise.
2. — collector and deputy collectors in.

Be it enacted, &c.

Maine customs districts.

[SECTION 1], That section twenty-five hundred and seventeen of the Revised Statutes of the United States be amended by inserting after the word "sixty-nine," in the third line of the first clause of said section, the following words:

"Excepting those towns, plantations, and townships lying on the line of the European and North American Railway," so that said clause, as amended, shall read as follows:

Aroostook district; what to comprise.
R. S., § 2517.

"First. The district of Aroostook, to comprise the county of Aroostook as bounded on the twenty-second day of February, eighteen hundred and sixty-nine, excepting those towns, plantations, and townships

lying on the line of the European and North American Railway, in which Houlton shall be the only port of entry."

Also, that said section twenty-five hundred and seventeen be further amended by inserting after the word "forty-seven," in the fourth line of the sixth clause thereof the following words:

"And the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway," so that said clause, as amended, shall read as follows:

"Sixth. The district of Bangor, to comprise the counties of Penobscot and Piscataquis and the town of Frankfort, in the county of Waldo, as bounded on the third day of March, eighteen hundred and forty-seven, and the several towns, plantations, and townships in the counties of Aroostook and Washington lying on the line of the European and North American Railway, in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery."

Bangor district; what to comprise. R. S., § 2517.

SEC. 2. That the sixth clause of section twenty-five hundred and eighteen of the Revised Statutes be amended so as to read as follows:

"Sixth. In the district of Bangor, a collector, who shall reside at Bangor; a deputy collector, who shall reside at Frankfort; and a deputy collector, who shall reside at Vanceboro." [*February* 17, 1881.]

—collector and deputy collectors in. R. S., § 2518. 1877, Feb. 27, ch 69, par. 56.

CHAPTER 61.

AN ACT TO GRANT LANDS TO DAKOTA, MONTANA, ARIZONA, IDAHO, AND WYOMING FOR UNIVERSITY PURPOSES.

Feb. 18, 1881.

21 Stat. L., 326.

Lands granted to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes.
—to be sold only at auction, and not below appraisal.
—proceeds of; how invested.
—tenth only to be sold annually.
—use of money derived from.

Be it enacted, &c., That there be, and are hereby, granted to the Territories of Dakota, Montana, Arizona, Idaho, and Wyoming respectively, seventy-two entire sections of the unappropriated public lands within each of said Territories, to be immediately selected and withdrawn from sale and located under the direction of the Secretary of the Interior, and with the approval of the President of the United States, for the use and support of a university in each of said Territories when they shall be admitted as States into the Union:

Lands granted to Dakota, Montana, Arizona, Idaho, and Wyoming for university purposes.

Provided, That none of said lands shall be sold except at public auction, and after appraisement by a board of commissioners, to be appointed by the Secretary of the Interior: *Provided further*, That none of said lands shall be sold at less than the appraised value, and in no case at less than two dollars and fifty cents per acre:

—to be sold only at auction, and not below appraisal.

Provided, That the funds derived from the sale of said lands shall be invested in the bonds of the United States and deposited with the Treasurer of the United States; that no more than one-tenth of said lands shall be offered for sale in any one year;

—proceeds; how invested.
—tenth only to be sold annually.

That the money derived from the sale of said lands, invested and deposited as hereinbefore set forth, shall constitute a university fund; that no part of said fund shall be expended for university buildings, or the salary of professors or teachers, until the same shall amount to fifty thousand dollars, and then only shall the interest on said fund be used for either of the foregoing purposes until the said fund shall amount to one hundred thousand dollars, when any excess, and the interest thereof, may be used for the proper establishment and support respectively of said universities. [*February* 18, 1881.]

—use of money derived from.

CHAPTER 62.

Feb. 18, 1881.
21 Stat. L., 326.

AN ACT TO FIX THE TIMES FOR HOLDING THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES FOR THE WESTERN DISTRICT OF TEXAS.

SECTION
1. District and circuit courts of western district of Texas; when and where to be held.
2. Repeal.
3. When act takes effect

Be it enacted, &c.

District and circuit courts of western district of Texas; when and where held.
R. S., §§ 572, 658.
1879, Feb. 24, ch. 97, § 4.

[SECTION 1], That the district and circuit courts of the United States within and for the western district of Texas shall be holden at the times hereinafter specified, namely:

At Austin, commencing on the first Tuesdays in January and June;

At San Antonio, commencing on the first Tuesdays in March and October;

At Brownsville, commencing on the fourth Tuesdays in April and November.

Repeal.

SEC. 2. That all laws in conflict herewith are hereby repealed.

When takes effect.

SEC. 3. That this act take effect on the first day of March, anno Domini eighteen hundred and eighty-one. [*February* 18, 1881.]

CHAPTER 71.

Feb. 23, 1881.
21 Stat. L., 330.

AN ACT TO PROVIDE FOR THE REMOVAL OF THE TERMS OF THE UNITED STATES CIRCUIT AND DISTRICT COURTS NOW HELD AT EXETER, FOR AND WITHIN THE DISTRICT OF NEW HAMPSHIRE, TO THE CITY OF CONCORD.

Circuit and district courts to be held at Concord, N. H., instead of Exeter.

Circuit and district courts to be held at Concord, N. H., instead of Exeter.
R. S., §§ 572, 658.

Be it enacted, &c., That the terms of the United States circuit and district courts now held at Exeter, for and within the district of New Hampshire, be, and the same hereafter shall be held at Concord in said district. (1) [*February* 23, 1881.]

NOTE.—(1) The Revised Statutes, §§ 572, 658, require these terms to be held: the district court on the third Tuesday in June and December, and the circuit court on the eighth day of October.

CHAPTER 73.

Feb. 23, 1881.
21 Stat. L., 331.

AN ACT MAKING APPROPRIATIONS FOR THE NAVAL SERVICE FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

SECTION
1. Appropriations for Navy, according to which Book of Estimates is to be made up.
2. In Navy, boys between ages of 14 and 18 may be enlisted with consent of parents or guardians.

Be it enacted, &c.

Appropriations, according to which Book of Estimates is to be made up.

[SECTION 1], That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the government for the year ending June thirtieth, eighteen hundred and eighty-two, and for other purposes:

—for active list of officers.

For the pay of the Navy, for the active list, namely: For one Admiral, one Vice-Admiral, twelve rear-admirals, eight chiefs of bureau (commodores), twenty-four commodores, forty-seven captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred and one masters, ninety-five ensigns, seventy-five midshipmen, fifteen medical directors, fourteen medical inspectors, fifty surgeons, seventy-three passed assistant surgeons, sixteen assistant surgeons, twelve pay-directors, thirteen pay-inspectors, fifty paymasters, thirty-one passed assistant paymasters, twenty assistant paymasters, sixty-nine chief engineers, ninety-six passed assistant engineers, forty-two assistant engineers, fifty-four cadet-engineers (graduates), twenty-four chaplains, eleven professors of mathematics, ten naval constructors, five assistant naval constructors, ten civil engineers, two hundred and four warrant-officers, forty-one mates, two hundred and sixty-eight cadet-midshipmen (on probation), one hundred and five cadet-engineers, and one hundred and three cadet-midshipmen (not graduates); in all, three million nine hundred and one thousand one hundred dollars.

For pay of the retired-list, namely: For forty-one rear-admirals, twenty-one commodores, eighteen captains, seventeen commanders, fourteen lieutenant-commanders, eight lieutenants, eleven masters, five ensigns, two midshipmen, twenty-two medical directors, one medical inspector, two surgeons, five passed assistant surgeons, eight assistant surgeons, nine pay-directors, one pay-inspector, three paymasters, two passed assistant paymasters, two assistant paymasters, seven chief engineers, nineteen passed assistant engineers, twenty-five assistant engineers, seven chaplains, six professors of mathematics, three naval constructors, eight boatswains, four gunners, thirteen carpenters, and eleven sailmakers; in all, six hundred and eighty-seven thousand five hundred and fifty dollars. —for retired list of officers.

For pay to petty-officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force, and for the Coast Survey service, not exceeding eight thousand two hundred and fifty in all, two million four hundred and ninety thousand dollars. —for petty officers and men.

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to fleet-paymasters, paymasters of vessels, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange and mileage, and for the payment of any such officers as may be in service either upon the active or retired list, during the year ending June thirtieth, eighteen hundred and eighty-two, in excess of the numbers for each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require, four hundred and eighty six thousand seven hundred and twenty-five dollars; —for secretaries, clerks, paymasters, extra pay, exchange, mileage, &c.

And should the sums hereinbefore appropriated for the pay of the officers on the active and retired lists of the Navy be insufficient, then, and in that case, the Secretary of the Navy is here authorized to use any and all balances which may be due, or become due, to "pay of the Navy" from the other bureaus of the department for that purpose. Deficiency in pay from unexpended balances.

And hereafter the estimates for pay of the Navy shall be submitted in the book of estimates in detailed classifications and paragraphs, after the manner above set forth. Book of estimates to follow above classification, &c.

R. S., §§ 429, 3660, 3666. 1875, March 3, ch. 129, § 3.

* * * * * * *

SEC. 2. That section fourteen hundred and eighteen, fourteen hundred and nineteen, and fourteen hundred and twenty of the Revised Statutes, as heretofore amended relating to enlistment of minors in the naval service, be, and hereby are, amended by striking out the word "fifteen" and inserting in its stead the word "fourteen" [*February* 23, 1881.] In Navy, boys between ages of fourteen and eighteen may be enlisted with consent of parents or guardians.

R. S., §§ 1418–1420.

1879, May 12, ch. 5.

CHAPTER 78.

AN ACT MAKING APPROPRIATIONS FOR THE CONSULAR AND DIPLOMATIC SERVICE OF THE GOVERNMENT FOR THE YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

Feb. 24, 1881.

21 Stat. L., 339.

Clerks at consulates.
Rates of compensation of. —total allowance for any one year.

Be it enacted, &c. * * *

For allowance for clerks at consulates, fifty-seven thousand four hundred dollars, as follows: Clerks at consulates.

For the consul at Liverpool, a sum not exceeding the rate of two thousand five hundred dollars for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of two thousand dollars for any one year; for the consuls-general at Berlin, Frankfort, Vienna, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, and Chemnitz, each a sum not exceeding the rate of one thousand five hundred dollars for any one year; for the consul-general at Montreal, and the consuls at Bradford and Birmingham, each a sum not exceeding the rate of one thousand two hundred dollars for any one year; for the consuls-general at Calcutta and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall), Glasgow, and Singapore, each a sum not exceeding the rate of one thousand dollars for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, Matamoras, and Halifax, each a sum not exceeding the rate of eight Rates of compensation.

R. S., § 1704.

1878, June 4, ch. 155.

1879, June 27, ch. 28, p. 400.

hundred dollars for any one year; for the consul-general at Mexico, and for the consuls at Beirut, Naples, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demerara, each a sum not exceeding the rate of six hundred dollars for any one year:

Total rate for any one year.

Provided, That the total sum expended in any one year shall not exceed the amount herein appropriated.

* * * * * * *

[*February* 24, 1881.]

CHAPTER 79.

Feb. 24, 1881.
21 Stat. L., 346.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

Par. 1. Lieutenant-General of Army to have $100 a month for commutation of quarters.
Par. 2. In sales of stores in Army, 10 per cent. to be added to cost, except, &c.
— cost; how determined.
Par. 3. In issue of forage, no discrimination to be made against officers east of Mississippi River.

Be it enacted, &c.

* * * * * * *

Lieutenant-General of Army to have $100 a month for commutation of quarters. R. S., § 1270. 1877, Feb. 27, ch. 69, par. 35. 1878, June 18, ch. 263, § 9. 1879, June 23, ch. 35, § 1, par. 2.

[*Par.* 1.] That the allowance for commutation of quarters to the Lieutenant-General of the Army shall be one hundred dollars per month.

* * * * * * *

In sales of stores in Army, 10 per cent. to be added to cost, except, &c. R. S., §§ 1144, 1145. 1879, June 23, ch. 35, § 1, par. 4. 1880, May 4, ch. 81.

[*Par.* 2.] That to the cost of all stores and other articles sold to officers and men, except tobacco, as provided for in section eleven hundred and forty-nine of the Revised Statutes, ten per centum shall be added to cover wastage, transportation, and other incidental charges, save that subsistence supplies may be sold to companies, detachments, and hospitals at cost prices, not including cost of transportation, upon the certificate of an officer commanding a company or detachment, or in charge of a hospital, that the supplies are necessary for the exclusive use of such company, detachment, or hospital:

Cost; how determined.

And provided further, That the cost price of each article shall be understood in all cases of sales to be the invoice price of the last lot of that article received by the officer by whom the sale is made.

* * * * * * *

In issue of forage, no discrimination to be made against officers east of Mississippi River. R. S., §§ 1270, 1271. 1877, Feb. 27, ch. 69, par. 35.

[*Par.* 3.] That there shall be no discrimination in the issue of forage against officers serving east of the Mississippi River, provided they are required by law to be mounted, and actually keep and own their animals.

* * * * * * *

[*February* 24, 1881.]

CHAPTER 81.

Feb. 26, 1881.
21 Stat. L., 351.

AN ACT CONCERNING SETTLEMENT OF BOUNDARY LINES BETWEEN NEW YORK AND CONNECTICUT.

Boundary line between New York and Connecticut.
Agreement.
Existing titles to property not affected.
Consent of Congress given; saving rights of United States.

Boundary line between New York and Connecticut.

Whereas, commissioners duly appointed on the part of the State of New York, and commissioners duly appointed on the part of the State of Connecticut, for the purpose of settling the boundary line between said States, did execute an agreement in the words following, to wit:

Agreement.

"Memorandum of agreement by and between the subscribers, commissioners of the States of New York and Connecticut, respectively, to settle the question of the bound-

aries between said States, being thereunto authorized by the resolutions of said States, respectively, passed by them as hereunto annexed.

That is to say, we, Allen C. Beach, secretary of State, Augustus Schoonmaker, attorney-general, and Horatio Seymour, junior, State engineer and surveyor, commissioners of the State of New York; and we, Origen S. Seymour, Lafayette S. Foster, and William T. Minor, commissioners of the State of Connecticut, have agreed, and do hereby agree, to fix, determine, and establish the boundaries between our respective States, subject to the approval and ratification of the legislatures of our respective States, in the following manner:

Lines established.

We agree that the boundary on the land constituting the western boundary of Connecticut and the eastern boundary of the State of New York shall be, and is, as the same was defined by monuments erected by commissioners appointed by the legislature of the State of New York, and completed in the year eighteen hundred and sixty; the said boundary line extending from Byram Point, (formerly called Lyons Point) on the south to the line of the State of Massachusetts on the north.

And we further agree that the bonndary on the sound shall be, and is, as follows: Beginning at a point in the center of the channel about six hundred feet south of the extreme rocks of Byram Point, marked number 0 on appended United States Coast Survey chart; thence running in a true southeast course three and one quarter statute miles; thence in a straight line (the arc of a great circle) northeasterly to a point four statute miles true south of New London Light House; thence northeasterly to a point marked number one on the annexed United States Coast Survey chart of Fishor's Island Sound, which point is on the long east three-quarters north sailing course drawn on said map, and is about one thousand feet northerly from the Hammock or N. Dumpling Light House; thence following the said east three-quarters north sailing course as laid down on said map, easterly to a point marked number two on said map; thence southeasterly toward a point marked number three on said map, so far as said States are coterminus:

Existing titles to property not affected.

Provided, however, That nothing in the foregoing agreement contained shall be construed to affect existing titles to property, corporeal or incorporeal, held under grants heretofore made by either of said States, nor to affect existing rights which said States, or either of them, or which the citizens of either of said States, may have by grant, letters patent, or prescription of fishing in the waters of said sound, whether for shell or floating fish, irrespective of the boundary line hereby established, it not being the purpose of this agreement to define, limit, or interfere with any such right, rights, or privileges, whatever the same may be.

"In witness whereof we have hereunto set our hand to this instrument, and to a duplicate thereof, December eighth, eighteen hundred and seventy-nine.

[Signed by the parties. * * * * * *"]

and

Whereas said agreement has been confirmed by the legislatures of said States of New York and Connecticut respectively: Therefore,

Consent of Congress given and boundaries approved.

Be it enacted, &c., That the consent of the Congress of the United States be, and hereby is, given to said agreement, and to each and ev[e]ry part thereof; and the boundaries established by said agreement are hereby approved:

—saving rights of United States, &c.

Provided, however, That nothing herein contained shall be construed to impair or in any manner to affect any right of the United States or jurisdiction of its courts in and over the islands or waters which form the subject of said agreement. [*February* 26, 1881.]

CHAPTER 82.

AN ACT DEFINING THE VERIFICATION OF RETURNS OF NATIONAL BANKS.

Feb. 26, 1881.

21 Stat. L., 352.

Reports of national banks may be sworn to before notary public. | —if not an officer of the bank.

Reports of national banks may be sworn to before notary public. R. S., § 5211.

Be it enacted, &c., That the oath or affirmation required by section fifty-two hundred and eleven of the Revised Statutes, verifying the returns made by national banks to the Comptroller of the Currency, when taken before a notary public properly authorized and commissioned by the State in which such notary resides and the bank is located, or any other officer having an official seal, authorized in such State to administer oaths, shall be a sufficient verification as contemplated by said section fifty-two hundred and eleven:

—who is not an officer of the bank.

Provided, That the officer administering the oath is not an officer of the bank. [*February* 26, 1881.]

CHAPTER 91.

Feb. 28, 1881.
21 Stat. L., 373.

AN ACT MAKING THE CITY OF CHATTANOOGA, IN THE STATE OF TENNESSEE, A PORT OF DELIVERY.

Chattanooga, Tenn., a port of delivery.

Chattanooga, Tenn., a port of delivery, with a surveyor, &c.
R. S., §§ 2568, 2569.

Be it enacted, &c., That the city of Chattanooga, in the State of Tennessee, is hereby made a port of delivery, with a surveyor at a salary of three hundred and fifty dollars per annum and the customary fees.

And the Secretary of the Treasury is hereby directed to carry this act into effect. [*February* 28, 1881.]

CHAPTER 92.

Feb. 28, 1881.
21 Stat. L., 373.

AN ACT TO CONSTITUTE ATLANTA, GEORGIA, A PORT OF DELIVERY.

Atlanta, Ga., a port of delivery, with privileges of inland transportation in bond, &c. | —surveyor at.

Atlanta, Ga., a port of delivery, with privileges of inland transportation in bond, &c.
R. S., § 2559.
1880, June 10, ch. 190.

Be it enacted, &c., That Atlanta, in the State of Georgia, be, and is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes", be, and the same are hereby, extended to said port;

—surveyor at.
R. S., § 2560.

And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary to be determined by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [*February* 28, 1881.]

CHAPTER 95.

March 1, 1881.
21 Stat. L., 374.

AN ACT TO AMEND SECTION THIRTY-FIVE HUNDRED AND TWENTY-FOUR OF THE REVISED STATUTES SO AS TO AUTHORIZE A CHARGE FOR MELTING OR REFINING BULLION WHEN AT OR ABOVE STANDARD.

Charge for melting or refining bullion to be fixed by Director of Mint.

Charge for melting or refining bullion to be fixed by Director of Mint.
R. S., § 3524.

Be it enacted, &c., That section thirty-five hundred and twenty-four of the Revised Statutes of the United States be amended by striking out of said section the words "for melting and refining when bullion is below standard," and inserting in lieu thereof the words "for melting or refining bullion." [*March* 1, 1881.]

CHAPTER 96.

March 1, 1881.
21 Stat. L., 374.

AN ACT MAKING APPROPRIATIONS FOR THE SERVICE OF THE POST OFFICE DEPARTMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

SECTION 1.
Par. 1. General mail-lettings to be upon advertisements.
Par. 2. Temporary mail service; how advertised.
SECTION 1.
Par. 3. Railways refusing to provide cars, &c., to have pay reduced.

Be it enacted, &c.

[SECTION 1.] * * * * * *

General mail-lettings to be upon advertisements.
R. S., § 3941.
1876, July 12, ch. 179.

[*Par.* 1.] Hereafter the Postmaster-General shall cause advertisements of all general mail-lettings of each State and Territory to be conspicuously posted in each post-office in the State and Territory embraced in said advertisements for at least sixty days before the time of such general letting; and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail-lettings.

[*Par.* 2.] And whenever it shall become necessary to employ temporary service on any mail route, it shall be the duty of the Postmaster-General to advertise for bids, or proposals, for such service by posting notices in the post offices at the termini of such route and upon a bulletin-board in a public-place in the Post-Office Department building at Washington in the District of Columbia for at least ten days prior to such letting.

Temporary mail service; how advertised.
R. S., § 3941.

* * * * * * *

[*Par.* 3.] And hereafter when any railroad company fail or refuse to provide railway post-office cars when required by the Post-Office Department, or shall fail or refuse to provide suitable safety-heaters and safety-lamps therefor, with such number of saws and axes to each car for use in case of accident as may be required by the Post-Office Department, said company shall have its pay reduced ten per centum on the rates fixed in section four thousand and two of the Revised Statutes, as amended by act of July twelfth, eighteen hundred and seventy-six, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes," and as further amended by the act of June seventeenth, eighteen hundred and seventy-eight, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes."

Railways refusing to provide cars, &c., to have pay reduced.
R. S., § 4002.
1876, July 12, ch. 179, § 1, par. 2.
1878, June 17, ch. 259, § 1, par. 4.
1880, June 11, ch. 206, § 1, par. 2.

* * * * * * *

[*March* 1, 1881.]

CHAPTER 97.

AN ACT FOR THE RELIEF OF SETTLERS UPON THE ABSENTEE SHAWNEE LANDS IN KANSAS, AND FOR OTHER PURPOSES.

March 1, 1881.
21 Stat. L., 377.

Settlers on Absentee Shawnee lands, Kansas, may purchase same.

Be it enacted, &c., That the provisions of the joint resolution approved April seventh, eighteen hundred and sixty-nine,(1) for the relief of the settlers upon the Absentee Shawnee lands in Kansas, be, and they hereby are, extended so as to allow any bona fide settler now occupying said lands, and having made improvements thereon, or the heirs at law of such, who is a citizen of the United States, or who has declared his intention to become such according to the naturalization laws, to purchase for cash the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, at not less than two dollars and fifty cents per acre, at any time within one year after the passage of this act, under such rules and regulations as the Secretary of the Interior may prescribe, and that any lands not claimed by such settlers at the expiration of that period shall be offered at public sale at the minimum rate of two dollars and fifty cents per acre, notice of such sale to be given by public advertisement of not less than thirty days; and, further, that any tracts not then sold shall be thereafter subject to private entry at the same minimum:

Settlers on Absentee Shawnee lands, Kansas, may purchase same.
1875, Jan. 11, ch. 14.

Provided, however, That the proceeds of such sales shall be applied in accordance with the provisions of the treaty between the United States and the said Shawnee Indians, proclaimed November second, eighteen hundred and fifty-four. [*March* 1, 1881.]

NOTE.—(1) The resolution of 1869 (16 Stat. L., 53), here referred to, is printed in this volume as a note to act of 1875, January 11, ch. 14., p. 123.

CHAPTER 107.

March 2, 1881.
21 Stat. L., 377.

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO CHANGE THE NAME OF VESSELS UNDER CERTAIN CIRCUMSTANCES.

SECTION
1. Secretary of Treasury may permit names of vessels to be changed.
2. — to make rules therefor.

Be it enacted, &c.

Secretary of Treasury may permit names of vessels to be changed.
R. S., § 4179.

[SECTION 1], That the Secretary of the Treasury be, and hereby is, authorized to permit the owner or owners of any vessel duly enrolled and found seaworthy and free from debt to change the name of the same when in his opinion there shall be sufficient cause for so doing.

— to make rules therefor.

SEC 2. That the Secretary of the Treasury shall establish such rules and regulations and procure such evidence as to the age, condition, where built, and pecuniary liability of the vessel as he may deem necessary to prevent injury to public or private interests: and when permission is granted by the Secretary he shall cause the order for the change of name to be published at least in four issues in some daily or weekly paper at the place of register; and the cost of procuring evidence and advertising the change of name to be paid by the person or persons desiring such change of name. [*March* 2, 1881.]

CHAPTER 111.

March 2, 1881.
21 Stat. L., 379.

AN ACT ESTABLISHING A LIFE-SAVING STATION AT LOUISVILLE, KENTUCKY.

Life-saving station at Louisville, Ky.

Life-saving station at Louisville, Ky.
R. S., §§ 4242–4251.
1874, June 20, ch. 344.
1878, June 18, ch. 265.

Be it enacted, &c., That the Secretary of the Treasury is hereby directed to establish a life-saving station at Louisville, Kentucky, with such equipments and organization as he may think proper, and whatever amount is necessary for said purpose is hereby appropriated out of any money not otherwise appropriated: *Provided*, That said amount shall not exceed the sum heretofore appropriated for such station. [*March* 2, 1881.]

CHAPTER 128.

March 3, 1881.
21 Stat. L., 380.

AN ACT TO PROVIDE FOR THE SALE OF THE REMAINDER OF THE RESERVATION OF THE CONFEDERATED OTOE AND MISSOURIA TRIBES OF INDIANS, IN THE STATES OF NEBRASKA AND KANSAS, AND FOR OTHER PURPOSES.

SECTION
1. Lands of Otoe and Missouria Indians in Kansas and Nebraska to be sold, &c.
2. — to be appraised.
3. — how to be sold.
— deferred payments for.
— in case of lots exceeding 160 acres by a fraction, &c.
— price per acre.
4. Proceeds of sale; how disposed of.
5. Removal and location of Indians.

Be it enacted, &c.

Lands of Otoe and Missouria Indians in Kansas and Nebraska to be sold.
1876, Aug. 15, ch. 308. 1879, March 3, ch. 190.

[SECTION 1], That with the consent of the Otoe and Missouria Tribes of Indians, expressed in open council, the Secretary of the Interior is authorized to cause to be surveyed and sold the remainder of the reservation of said Indians lying in the States of Kansas and Nebraska.

— to be appraised.

SEC. 2. That the lands so surveyed shall be appraised by three commissioners, one of whom shall be designated by said Indians in open council, and the other two by the Secretary of the Interior.

— how to be sold.

SEC. 3. That after the survey and appraisement of said lands, the Secretary of the Interior shall be, and hereby is, authorized to offer the same for sale through the United States public-land office at Beatrice, Nebraska, in tracts not exceeding one hundred and sixty acres, for cash,

to actual settlers, or persons who shall make oath before the register or the receiver of the land-office at Beatrice, Nebraska, that they intend to occupy the land for authority to purchase which they make application, and who shall within three months from the date of such application make a permament settlement upon the same, in tracts not exceeding one hundred and sixty acres to each purchaser:

Provided, That, if in the judgment of the Secretary of the Interior, it shall be more advantageous to sell said lands upon deferred payments, he may, with the consent of the Indians expressed in open council, dispose of the same upon the following terms as to payments, that is to say: One-quarter in cash, to become due and payable at the expiration of three months from the date of the filing of an application as hereinbefore required, one-quarter in one year, one-quarter in two years, and one quarter in three years from the date of sale, with interest at the rate of five per centum per annum; but in case of default in the cash payment as hereinbefore required, the person thus defaulting shall forfeit absolutely his right to the tract for the purchase of which he has applied: —deferred payments for.

And provided further, That whenever any person shall apply under the provisions of this act to purchase a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, his application shall not be rejected on account of such excess; but if no other objection exists the purchase shall be allowed as in other cases: —in case of lots exceeding one hundred and sixty acres by a fraction, &c.

And provided further. That no portion of said land shall be sold at less than the appraised value thereof, and in no case less than two dollars and fifty cents per acre. Price per acre.

SEC. 4. That the proceeds of the sale of said lands shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of five per centum per annum, which income shall be annually expended for the benefit of said Indians under direction of the Secretary of the Interior. Proceeds of sale; how disposed of.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization, not exceeding one hundred thousand dollars, including cost of surveys and expense of removal, the same to be drawn from the fund arising from the sale of their reservation lands under the act approved August fifteenth, eighteen hundred and seventy-six. [*March* 3, 1881.] Removal and location of the Indians.

CHAPTER 130.

AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

March 3, 1881.
21 Stat. L., 385.

SECTION
1. *Par.* 1. Architect of Capitol to have direction of employés, &c., for lighting, heating, &c., House of Representatives, subject to control of Speaker.
Par. 2. Penalty for agents, attorneys, &c., demanding illegal fees in pension cases.
Par. 3. Auditor of Railroad Accounts to be styled Commissioner of Railroads.
Par. 4. Salaries of United States judges to be paid monthly.
2. Heads of departments may make requisitions for official postage-stamps.
4. Repeal.

Be it enacted, &c.

[SECTION 1.] * * * * *

[*Par.* 1.] Hereafter the electrician, together with everything pertaining to the electrical machinery and apparatus, and all laborers and others connected with the lighting, heating, and ventilating the House, Architect of Capitol to have direction of employés, &c., for lighting,

heating, &c., House of Representatives, subject to control of Speaker.
R. S., § 1817.
1876, Aug. 15, ch. 287, par. 4.

shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

* * * * * * *

Penalty for agents, attorneys, &c., demanding illegal fees in pension cases.
R. S., § 5485.
1878, June 20, ch. 367.

[*Par.* 2.] The provisions of section fifty-four hundred and eighty-five of the Revised Statutes shall be applicable to any person who shall violate the provisions of an act entitled "An act relating to claim agents and attorneys in pension cases," approved June twentieth, eighteen hundred and seventy-eight.

* * * * * * *

Commissioner of Railroads; title of.
1878, June 19, ch. 316.

[*Par.* 3.] OFFICE OF AUDITOR OF RAILROAD ACCOUNTS.—For Auditor, who shall hereafter be styled Commissioner of Railroads,

* * * * * * *

Salaries of United States judges payable monthly.
R. S., §§ 554, 607, 676, 714, 1049, 1882.

[*Par.* 4.] That hereafter the salaries appropriated for the United States judges(1) in the foregoing paragraphs, and judges of the Court of Claims, and of the Territories, may be paid monthly.

* * * * * * *

Heads of departments may make requisitions for official postage stamps.
R. S., § 3915.
1877, Feb. 27, ch. 69, par. 138.

SEC. 2. That the Secretaries, respectively, of the Departments of State, of the Treasury, War, Navy, and of the Interior, and the Attorney-General, are authorized to make requisitions upon the Postmaster-General for the necessary amount of official postage-stamps for the use of their departments, not exceeding the amount stated in the estimates submitted to Congress; and upon presentation of proper vouchers therefor at the Treasury, the amount thereof shall be credited to the appropriation for the service of the Post-Office Department for the same fiscal year.

* * * * * * *

Repeal.

SEC. 4. That all acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed. [*March* 3, 1881.]

NOTE.—(1) The judges named in the paragraphs here referred to are the judges of the Supreme Court, the circuit judges, the district judges, the judges of the supreme court of the District of Columbia, and judges retired under the provisions of R. S., § 714.

CHAPTER 132.

March 3, 1881.
21 Stat. L., 414.

AN ACT MAKING APPROPRIATIONS TO SUPPLY DEFICIENCIES IN THE APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-ONE, AND FOR PRIOR YEARS, AND FOR THOSE CERTIFIED AS DUE BY THE ACCOUNTING OFFICERS OF THE TREASURY IN ACCORDANCE WITH SECTION FOUR OF THE ACT OF JUNE FOURTEENTH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT, HERETOFORE PAID FROM PERMANENT APPROPRIATIONS, AND FOR OTHER PURPOSES.

SECTION
1. *Par.* 1. Salary of Superintendent of Government Hospital for Insane.
Par. 2. Secretary of Treasury may appoint inspectors of customs at less than $3 a day.
2. Appropriation.
3. Census of Miami Indians in Indiana, &c.
Payments to Indians from funds, &c.
— to minors.
Enumerator to take oath.
— compensation of.
List of benficiaries.
5. Agent to make payments.
Guardians of minors.
Receipt for moneys.
Agent's compensation, oath, and bond.
Receipt and discharge.

Be it enacted, &c.

[SECTION 1.] * * * * * *

Salary of Superintendent of Government Hospital for Insane.
R. S., § 4839.

[*Par.* 1.] The salary of the said superintendent [*of the Government Hospital for the Insane*] is hereby fixed at four thousand dollars per annum as originally provided in act of March second, eighteen hundred and sixty-seven.

* * * * * * *

[*Par.* 2.] *Provided*, That hereafter the Secretary of the Treasury may appoint inspectors of customs at a compensation less than three dollars per day when, in his judgment, the public service will permit. * *

Secretary of Treasury may appoint inspectors of customs at less than $3 a day.
R. S., § 2605.

SEC. 3. [Appropriates $221,257.86 for the Miami Indians.]

SEC. 4. That the Secretary of the Interior shall appoint a competent and proper person to take a census and make a list of the Miami Indians residing in Indiana, or elsewhere, who are entitled to participate in the distribution of said principal sum, as provided by article four of the treaty that was made between the United States and the Miami Indians on the fifth day of June, eighteen hundred and fifty four, as amended in the Senate.

Census of Miami Indians in Indiana, &c.
1879, March 3, ch. 195.
Treaty (10 Stat. L., 1093).

Before taking such census, publication shall be made requiring all persons claiming under said treaty to make known their claim to such person so appointed, within a time specified in the notice, and failing so to do, they shall be forever barred.

When said census shall be so made, it shall be the duty of the person so appointed to make such enumeration and list to report the same to the Secretary of the Interior, distinguishing in his report between males and females, and between those over twenty-one years of age and those under twenty-one years, which list so made, when approved by the Secretary of the Interior, shall stand as the true list of the persons entitled to share in the payments provided for in this act;

List to distinguish males and females, &c.

And each person named in said list shall be entitled to receive the same amount, irrespective of age or sex, payments for minors to be paid to the guardians legally appointed, as hereinafter provided, under the laws of the State or Territory in which said minors reside:

Payments to Indians from funds, &c.

Provided, however, That any minor who may be a resident of the Indian Territory and a beneficiary of said fund may receive his or her share thereof, as the case may be, through a guardian appointed by any court having probate jurisdiction in the State of Kansas.

—to minors.

The person appointed to make such enumeration and list shall, before entering on such duty, take and subscribe an oath that he will make a true and correct enumeration and report of said Indians according to the best information he can obtain, said oath to be administered and certified to by a United States commissioner or a clerk of a court of record;

Enumerator to take oath.

And he shall receive as his compensation therefor the sum of five dollars per day and his actual and necessary traveling and other expenses while engaged in said duty, not to exceed four hundred dollars:

—compensation of.

Provided, That no persons other than those embraced in the corrected list agreed upon by the Miami Indians of Indiana, in the presence of the Commissioner of Indian Affairs, in June, eighteen hundred and fifty-four, comprising three hundred and two names as Miami Indians of Indiana, and the increase of families of persons indicated in said corrected list, shall be recipients of the money hereby appropriated.

List of beneficiaries.

SEC. 5. That the Secretary of the Interior shall appoint some suitable person as an agent of the United States to make payment to each of said Miami Indians who shall be more than twenty-one years of age whose name shall be borne on the list prepared as aforesaid the amount that he or she, as the case may be, shall be entitled to receive;

Agent to make payments.

And he, in like manner, shall pay to the guardian of each minor whose name shall appear on said list the amount that said minor shall be entitled to receive: *Provided, however*, That no payment shall be made to any guardian as such until he produce and deliver to the agent from whom he shall receive such payment the certificate of the judge of the court, attested by the seal of the same, certifying that such guardian has been duly appointed and qualified as such, and given bond, secured by unincumbered freehold surety, in the penalty of not less than three times the amount he shall receive from the United States on account of the payment so to be made for the benefit of said ward, which certificate shall be filed by said agent at the time of making of his report and final settlement. A copy of said list so prepared as aforesaid shall be fur-

Guardians of minors.

nished to said agent, for his guidance in the performance of the duties aforesaid, by the Secretary of the Interior.

Receipt for moneys; how made.

Said agent shall take the receipt of the persons so paid attested in such manner as the Secretary of the Interior shall prescribe, which receipt shall be a voucher for said agent in the final settlement of his accounts.

Agent's compensation, oath, and bond.

Said agent shall receive, in full compensation for the services required by the provisions of this act, a sum equal to three fourths of one per centum on the amount that he shall receive. The agent so appointed to make said payments shall before entering on such duty, take and subscribe on oath, before some United States commissioners or clerk of some court of record, for the faithful performance of the duties imposed by the provisions of this act, and make and execute a bond, payable to the United States, in such penalty and with such security as the Secretary of the Interior shall require and approve.

Receipt and discharge.

And the receipt of the sum due under this act shall be a final discharge by each party so receiving of all claims whatsoever under said treaty against the United States Government.

* * * * * * *

[*March* 3, 1881.]

CHAPTER 133.

March 3, 1881.

21 Stat. L., 435.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CIVIL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

SECTION

1. *Par.* 1. Silver coin may be transported to applicants free of charge.
   Par. 2. District judges holding courts outside their district not forbidden payment of expenses.
2. Secretary of Treasury may apply surplus money to purchase bonds.

Be it enacted, &c.

[SECTION 1.] * * * * * * *

Silver coin may be transported to applicants free of charge.

[*Par.* 1.] That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants;

* * * * * * *

District judges holding courts outside their districts not forbidden payment of expenses. R. S., § 596.

[*Par.* 2.] So much of section five hundred and ninety six of the Revised Statutes as forbids the payment of the expenses of district judges while holding court outside of their districts is hereby repealed.

* * * * * * *

Secretary of Treasury may apply surplus money to purchase bonds. R. S., § 3697.

SEC. 2. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds:

Provided, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

* * * * * * *

[*March* 3, 1881.]

CHAPTER 134.

March 3, 1881.

21 Stat. L., 458.

AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, EIGHTEEN HUNDRED AND EIGHTY-TWO, AND FOR OTHER PURPOSES.

SECTION

1. *Par.* 1. In District of Columbia, collector of taxes to be treasurer.
   Par. 2. — overseers, &c., of sewer and street work; how paid.
   Par. 3. — duties of janitors of school-buildings in.
   Par. 4. United States Treasurer may sell bonds to pay certain judgments of Court of Claims.
   — may purchase funded debt of District.
   Par. 5. Annual estimates of District; how made and transmitted.
2. Moneys to be paid into United States Treasury; how drawn, &c.
   Requisitions.

Be it enacted, &c.

[SECTION 1.] * * * * * *

[*Par.* 1.] The office of treasurer of the District of Columbia is hereby abolished from and after the thirtieth day of June, eighteen hundred and eighty-one, and the collector of taxes for said District shall, from and after that date, collect all revenues of the District and deposit the amounts collected daily with the Treasurer of the United States. In District Columbia, collector of taxes to be treasurer.

* * * * * * *

[*Par.* 2.] That overseers or inspectors temporarily required in connection with sewer or street work done under contracts authorized by appropriations shall be paid out of the sum specially appropriated for the work, and for the time actually engaged thereon: —overseers, &c., of sewer and street work; how paid.

And provided further, That overseers or inspectors required in connection with sewer or street work done under contracts authorized by appropriations shall also be paid out of the sum appropriated for the works.

* * * * * * * *

[*Par.* 3.] That the janitors of the principal school-buildings, in addition to their other duties, shall do all minor repairs to buildings and furniture, glazing, fixing seats and desks, and shall be selected with reference to their qualifications to perform this work. —duties of janitors of school-buildings in.

* * * * * * * *

[*Par.* 4.] That the Treasurer of the United States, as ex-officio sinking-fund commissioner, is hereby authorized, whenever in his opinion it will be more advantageous for the interest of the District of Columbia to do so, to sell the bonds authorized to be issued under the provisions of the sixth section of the act of the Congress of the United States entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June sixteenth, eighteen hundred and eighty, for the satisfaction of the judgments which may be rendered by said Court of Claims under the provisions of said act, and pay the said judgments from the proceeds of said sales, instead of delivering to said judgment claimants the said bonds as provided for in said act: United States Treasurer may sell bonds to pay certain judgments of Court of Claims, &c. 1880, June 16, ch. 243, § 6.

And provided further, That hereafter the said Treasurer, as ex-officio sinking-fund commissioner as aforesaid, with the approval of the Secretary of the Treasury, is hereby authorized and empowered to purchase any of the funded indebtedness of said District of Columbia for the sinking-fund authorized to be created for the redemption and payment of the indebtedness of said District of Columbia, as in his opinion may be for the best interests of said District of Columbia. —may purchase funded debt of District.

* * * * * * * *

[*Par.* 5.] That hereafter it shall be the duty of the Commissioners to include in the annual estimates of the District of Columbia estimates of the expenses of the water department: Annual estimates of District; how made and transmitted. R. S., § 3669. 1878, June 11, ch. 180, § 3. 1880, June 4, ch. 121, § 2.

And provided further, That the annual estimates of the District of Columbia shall be transmitted to Congress by the Commissioners of the District of Columbia at the same time that the regular annual estimates for expenses of the government are submitted by the Secretary of the Treasury and with his action on the same to be printed in the general book of estimates.

SEC. 2. That all moneys appropriated by this act, together with all revenues of the District of Columbia from taxes or otherwise, shall be deposited in the Treasury of the United States as required by the provisions of section four of an act approved June eleventh, eighteen hundred and seventy-eight, and shall be drawn therefrom only on requisition of the Commissioners of the District of Columbia (except that the moneys appropriated for interest and the sinking-fund shall be drawn therefrom only on the requisition of the Treasurer of the United States), such requisition specifying the appropriation upon which the same is Moneys to be paid into United States Treasury; how drawn, &c. 1875, March 3, ch. 162, § 13. 1878, June 11, ch. 180, § 4.

drawn; and in no case shall such appropriation be exceeded either in requisition or expenditure; and the accounts for all disbursements of the Commissioners of said District shall be made monthly to the accounting officers of the Treasury by the auditor of the District of Columbia, on vouchers certified by the Commissioners, as now required by law:

Requisitions.

Provided, That said Commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during said fiscal year than they make on the appropriations arising from the revenues of said District, including one-half of all general taxes paid in drawback certificates as required by the third section of the act approved June twenty-seventh, eighteen hundred and seventy-nine, entitled "An act fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes."

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[*March* 3, 1881.]

CHAPTER 138.

March 3, 1881.

AN ACT TO AUTHORIZE THE REGISTRATION OF TRADE-MARKS AND PROTECT THE SAME.

21 Stat. L., 502.

SECTION
1. Registration of trade-marks
2. Declaration under oath.
3. Registry and recording. Commissioner of Patents to decide on claims to trade-marks.
4. Certificate of registry; how issued. — copies of, &c., to be evidence in suits.
5. Duration of protection.
6. Credit for fee previously paid.
7. Registration prima facie evidence of ownership.
SECTION
— counterfeiting, &c.; how punished. — jurisdiction of courts.
8. Restriction upon actions for infringement.
9. Fraudulent trade-marks.
10. Former rights and remedies preserved.
11. Saving of rights after expiration of term for which registered.
12. Regulations for transfer of rights.
13. Trade-marks for foreign countries may be registered here.

Be it enacted, &c.

Registration of trade-marks.

R. S., §§ 4937–4947.

1876, Aug. 14, ch. 274.

See proclamation of treaty with Brazil, p. 631.

[SECTION 1], That owners of trade-marks used in commerce with foreign nations, or with the Indian tribes, provided such owners shall be domiciled in the United States, or located in any foreign country or tribes which by treaty, convention or law, affords similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with the following requirements:

First. By causing to be recorded in the Patent Office a statement specifying name, domicile, location, and citizenship of the party applying; the class of merchandise and the particular description of goods comprised in such class to which the particular trade-mark has been appropriated; a description of the trade-mark itself, with fac-similes thereof, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used.

Second. By paying into the Treasury of the United States the sum of twenty-five dollars, and complying with such regulations as may be prescribed by the Commissioner of Patents.

Declaration under oath.

SEC. 2. That the application prescribed in the foregoing section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by a member of a firm, or by an officer of a corporation applying, to the effect that such party has at the time a right to the use of the trade-mark sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce with foreign nations or Indian tribes, as above indicated; and that the description and fac-similes presented for registry truly represent the trade-mark sought to be registered.

Registry and recording.

SEC. 3. That the time of the receipt of any such application shall be noted and recorded. But no alleged trade-mark shall be registered unless the same appear to be lawfully used as such by the applicant in foreign commerce or commerce with Indian tribes as above mentioned or is within the provision of a treaty, convention, or declaration with a foreign power; nor which is merely the name of the applicant; nor which is identical with a registered or known trade-mark owned by another and appropriate to the same class of merchandise, or which so nearly resembles some other person's lawful trade-mark as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers.

Commissioner of Patents to decide on claims to trade-marks.

In an application for registration the Commissioner of Patents shall decide the presumptive lawfulness of claim to the alleged trade-mark; and in any dispute between an applicant and a previous registrant, or between applicants, he shall follow, so far as the same may be applicable, the practice of courts of equity of the United States in analogous cases.

Certificates of registry; how issued.

SEC. 4. That certificates of registry of trade-marks shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the specifications, shall be kept in books for that purpose.

—copies of, &c., to be evidence in suits.

Copies of trade-marks and of statements and declarations filed therewith and certificates of registry so signed and sealed shall be evidence in any suit in which such trade-marks shall be brought in controversy.

Duration of protection, and renewal.

SEC. 5. That a certificate of registry shall remain in force for thirty years from its date; except in cases where the trade-mark is claimed for and applied to articles not manufactured in this country, and in which it receives protection under the laws of a foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the time that such trade-mark ceases to be exclusive property elsewhere.

At any time during the six months prior to the expiration of the term of thirty years such registration may be renewed on the same terms, and for a like period.

Credit for fee previously paid.

SEC. 6. That applicants for registration under this act shall be credited for any fee, or part of a fee, heretofore paid into the Treasury of the United States with intent to procure protection for the same trade-mark.

Registration prima facie evidence of ownership.

SEC. 7. That registration of a trade-mark shall be prima facie evidence of ownership.

—counterfeiting, &c.; how punished.

Any person who shall reproduce, counterfeit, copy or colorably imitate any trade-mark registered under this act and affix the same to merchandise of substantially the same descriptive properties as those described in the registration, shall be liable to an action on the case for damages for the wrongful use of said trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark used in foreign commerce or commerce with Indian tribes, as aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act;

Jurisdiction of courts.

And courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

Restriction upon actions for infringement.

SEC. 8. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in any unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

Fraudulent trade-marks.

SEC. 9. That any person who shall procure the registry of a trade-mark, or of himself as the owner of a trade-mark or an entry respecting a trade-mark, in the office of the Commissioner of Patents, by a false or fraudulent representation or declaration, orally or in writing, or by

any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered in an action on the case

Former rights and remedies preserved.

SEC. 10. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

Saving as to rights after expiration of term.

SEC. 11. That nothing in this act shall be construed as unfavorably affecting a claim to a trade-mark after the term of registration shall have expired; nor to give cognizance to any court of the United States in an action or suit between citizens of the same State, unless the trade-mark in controversy is used on goods intended to be transported to a foreign country, or in lawful commercial intercourse with an Indian tribe.

Regulations for transfer of rights.

SEC. 12. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the right to use trade-marks and for recording such transfers in his office.

Trade-marks for foreign countries may be registered here.

SEC. 13. That citizens and residents of this country wishing the protection of trade-marks in any foreign country, the laws of which require registration here as a condition precedent to getting such protection there, may register their trade-marks for that purpose as is above allowed to foreigners, and have certificate thereof from the Patent Office. [*March* 3, 1881.]

CHAPTER 139.

March 3, 1881.

AN ACT FOR THE ASCERTAINMENT OF THE AMOUNT DUE THE CHOCTAW NATION.

21 Stat. L., 504.

SECTION
Preamble.
1. Court of Claims to have jurisdiction of Choctaw claims.
Right of appeal.
2. Action; how commenced.

Preamble.

Whereas, the Choctaw Nation, for itself and in behalf of individual members thereof, makes claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore,

Be it enacted, &c.

Court of Claims to have jurisdiction of Choctaw claims.

Treaties.
7 Stat. L., 210, 234, 333.
11 Stat. L., 611.
14 Stat. L., 769.

[SECTION 1], That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the Choctaw Nation, and to render judgment thereon; power is hereby granted the said court to review the entire question of differences de novo, and it shall not be estopped by any action had or award made by the Senate of the United States in pursuance of the treaty of eighteen hundred and fifty-five; and the Attorney-General is hereby directed to appear in behalf of the government; and if said court shall decide against the United States the Attorney-General shall, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Choctaw Nation may also appeal to said Supreme Court:

Right of appeal.

Provided, The appeal of said Choctaw Nation shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

Action; how commenced.

SEC. 2. Said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts, and no other statements need be contained in said petition or verification. [*March* 3, 1881.]

CHAPTER 140.

AN ACT TO AMEND SECTION TWENTY-THREE HUNDRED AND TWENTY-SIX OF THE REVISED STATUTES RELATING TO SUITS AT LAW AFFECTING THE TITLE TO MINING CLAIMS.

March 3, 1881.
21 Stat. L., 505.

Controversies in mining claims; jury to find fact as to title. | No costs allowed.

Be it enacted, &c., That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict.

Controversies in mining claims; jury to find fact as to title, &c. R. S., § 2326.

In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title [*March* 3, 1881.]

No costs allowed.

CHAPTER 141.

AN ACT TO AMEND THE ACT ENTITLED "AN ACT TO ENCOURAGE THE ESTABLISHMENT OF PUBLIC MARINE SCHOOLS", APPROVED JUNE TWENTIETH, EIGHTEEN HUNDRED AND SEVENTY-FOUR, SO AS TO EXTEND IT TO THE PORTS OF WILMINGTON, CHARLESTON, SAVANNAH, MOBILE, NEW ORLEANS, BATON ROUGE, GALVESTON, AND IN NARRAGANSETT BAY.

March 3, 1881.
21 Stat. L., 505.

Vessels for marine schools at additional ports to be furnished by Secretary of Navy.

Be it enacted, &c., That the act entitled "An act to encourage the establishment of public marine schools", approved June twentieth, eighteen hundred and seventy-four, be, and the same is, amended so that it shall extend to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay. [*March* 3, 1881.]

Vessels for public marine schools at additional ports to be furnished by Secretary of Navy. R. S., § 417. 1874, June 20, ch. 339.

CHAPTER 142.

AN ACT TO AUTHORIZE THE SECRETARY OF THE TREASURY TO SELL CERTAIN REAL ESTATE BELONGING TO THE UNITED STATES, AND VESTING THE TITLE TO CERTAIN OTHER LANDS IN THE CITY OF VINCENNES, IN THE STATE OF INDIANA, AND FOR OTHER PURPOSES.

March 3, 1881.
21 Stat. L., 505.

SECTION
Preamble.
Sale of government lands in Vincennes, Ind.

SECTION
1. Survey to be made. Sale of land.
2. Land for public park in city of Vincennes.

Whereas, the United States heretofore through the intervention of trustees acquired title for debt to certain real estate situate in and near the city of Vincennes, in the county of Knox, and State of Indiana, described as follows: The southeast half of lot number one and the whole of lot number eight in Harrison's addition to the borough, now city, of Vincennes, and also survey number five in upper prairie surveys, in township three north, range ten west, containing eighty-two acres and eighty-one hundredths of an acre, known as the "Steam Mill Tract", and situate in Knox County, Indiana; and

Preamble.

Sale of government lands in Vincennes, Ind.

Whereas the said eighty-two and eighty-one hundredths acre tract of land consists of a strip of about twenty-six rods in width commencing on the Wabash River, thence running in a southerly direction through said city of Vincennes and far beyond its limits; that said city has been built up on both sides of said land and its streets abut thereon, said city not having the legal right to lay out and improve her streets through the same; in consequence whereof that part of said city through which said land is located has been greatly hindered and obstructed in its growth; and

Whereas said city is in great need of a public park, and as the portion

of said survey which lies between the northern line of the extension of Fourth street through said land, and the Wabash River, can be improved and made suitable for such public park: Therefore,

Be it enacted, &c.

Survey to be made.

[SECTION 1], That the Secretary of the Treasury shall, as soon practicable, after the passage of this act, cause a survey to be made extending said Fourth street of said city of Vincennes through said survey or tract of land, and shall establish the boundaries thereof on said land. And he shall then cause a survey to be made of all that part of said survey or land which lies between the southern boundary of said Fourth street, established as aforesaid, and the southern boundary or limit of said city; except so much thereof as is now occupied by the Ohio and Mississippi Railway Company, the Evansville and Terre Haute, and the Indianapolis and Vincennes Railroad Companies, with their respective road-beds and tracks, and shall cause the same to be laid off into streets, alleys, blocks, and lots, so as to conform to the streets, alleys, blocks, and lots of said city as near as practicable; and shall cause a plat of said streets, alleys, blocks, and lots to be made, and cause a duly certified copy of the same to be filed in the office of the clerk of said city, and cause the same to be appraised at its fair cash value.

Sale of land.

And he shall cause that part of said survey or land lying south of the southern boundary or limits of said city to be laid off into five acre lots as near as may be; and after giving three weeks' notice of the time, place, and terms of sale in the public newspapers, one of which shall be published in said city, he shall on the premises, offer each of said lots, including said five acre lots and the southeast half of lot number one and the whole of lot number eight in said Harrison's addition to said city, for sale separately at public auction, and shall sell the same to the highest and best bidder for cash, at not less than the appraised value; and he shall on payment of the purchase-money, execute to the purchasers all needful conveyances for the same, and after deducting all the necessary expenses incurred in making said surveys and sales the remainder of the proceeds shall be covered into the Treasury.

Land for public park in city of Vincennes.

SEC. 2. That the title to all that part of said survey number five which lies between the northern boundary of said Fourth street and the Wabash River is hereby vested in the city of Vincennes for a public park, to be used for that purpose and none other. [*March* 3, 1881.]

CHAPTER 143.

March 3, 1881.

21 Stat. L., 506.

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-EIGHT, VOLUME SIXTEEN, OF THE STATUTES AT LARGE.

Lands of Fort Ridgely reservation to be open to homestead and timber-culture entry, &c.

Lands of Fort Ridgely reservation to be open to homestead and timber-culture entry, &c.

1870, ch. 198 (16 Stat. L., 187).

R. S., §§ 2289–2317, 2464.

1876, May 20, ch. 102.

1878, June 14, ch. 190.

Be it enacted, &c., That chapter one hundred and ninety eight, volume sixteen, of the Statutes at Large, being an act for the disposal of the lands within the Fort Ridgely military reservation, Minnesota, be amended by adding thereto a new section:

"SEC. 4. All lands within the limits of the said reservation and not embracing any government improvements, shall be open to homestead settlement and timber-culture entry as other public lands in Minnesota from and after the passage of this act:

Provided, That all persons now residing on any of said lands, or who have filed on any of the lands of said reservation as bona fide settlers, shall have sixty days from and after the passage of this act to refile on the same tract as homestead or tree culture entry, and shall have a preference over all other persons as to the tracts so settled on by them.

And all persons who were allowed to preempt any of said lands, and who have paid for the same at the rate of one dollar and twenty-five cents per acre shall be entitled to a patent for the same." [*March* 3, 1881.]

CHAPTER 144.

AN ACT TO DIVIDE THE STATE OF LOUISIANA INTO TWO JUDICIAL DISTRICTS.

March 3, 1881.

21 Stat. L., 507.

SECTION
1. Louisiana divided into two judicial districts, western and eastern.
2. Suits; in which district to be brought.
3. Prosecutions for crimes; where triable.
4. Suits pending may be removed to western district.
5. Places and terms of courts.
6. Judge for western district; salary, &c.
Clerks.
Courts to be held at New Orleans as heretofore.
Transfer of papers in cases belonging to western district.
7. Marshal and district attorney.
— their duties, &c.

Be it enacted, &c.

Louisiana divided into two judicial districts. Western. R. S., § 531.

[SECTION 1], That the parishes of Caddo, Bossier, Webster, Claiborne, Union, Morehouse, West Carroll, East Carroll, Madison, Richland, Ouachita, Lincoln, Bienville, Red River, De Soto, Sabine, Winn, Natchitoches, Jackson, Caldwell, Franklin, Tensas, Concordia, Catahoula, Grant, Vernon, Rapides, Avoyelles, Saint Landry, La Fayette, Saint Martin's, Vermillion, Cameron, and Calcasieu, in the State of Louisiana, shall constitute, and is hereby created, the western judicial district in that State;

Eastern.

And the district court now existing in Louisiana shall, from and after the passage of this act, be known as the district court for the eastern district of Louisiana, and all the parishes in said State not above named shall belong to said district.

Suits; in which district to be brought.

SEC. 2. That all suits not of a local nature in the circuit and district courts against a single defendant, inhabitant of said State, must be brought in the district where he resides, but if there are two or more defendants, residing in different districts, such suits may be brought in either district.

Prosecutions for crimes; where triable.

SEC. 3. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within such district; and all prosecutions for crimes or offenses heretofore committed in the district of Louisiana shall be commenced and proceeded with as if this act had not been passed.

Suits pending may be removed to western district.

SEC. 4. That all civil suits in law or equity which have arisen in the parishes composing said western district, or against persons residing therein, or concerning lands situated therein, and now pending, together with all process, writs, recognizances, and records belonging thereto, shall, with the consent of all the parties, be transferred to said western district.

Places and terms of courts. R. S., §§ 572, 658.

SEC. 5. That there shall be held semi annually in said district two stated sessions of the district and circuit courts, at each of the following places, to wit:

At Opelousas, on the first Mondays of January and June;

At Alexandria, on the fourth Mondays of January and June;

At Shreveport, on the third Mondays of February and July;

At Monroe, on the first Mondays of April and October.

Judge for western district; salary, &c.

SEC. 6. That a person learned in the law shall be appointed by the President of the United States, by and with the advice and consent of the Senate, district judge thereof, with a salary of three thousand five hundred dollars per annum, payable quarterly, and with the same powers and duties as the district judge of the United States for the district of Louisiana as it now exists, and such as are conferred on him, or required of him, by this act.

Clerks.

And the said judge shall appoint a clerk of the district court in the western district, and a clerk of the circuit court for said district shall be appointed in the same manner as other such clerks are appointed, and who shall receive for the services performed by them the same fees and compensation that are allowed to the clerks of such courts holding their sessions in New Orleans, in the same State, and shall be subject in every respect to the same restrictions and responsibilities.

Courts to be held at New Orleans as heretofore.

And the district and circuit courts for the eastern district of Louisiana shall be held in new Orleans, as heretofore.

Transfer of papers in cases belonging to the western district.

And it shall be the duty of the clerks of the district and circuit courts of the United States in New Orleans, whenever the courts shall so order, to transmit, by some safe conveyance, or to deliver to the clerks of the

court in the western district, or their order, the original papers in all such cases as properly belong to the court in the western district by the provisions of this act, together with a transcript of the proceedings had therein.

Marshal and district attorney.

SEC. 7. That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is, authorized to appoint one person as marshal and one as district attorney for the said western district of the United States within the State of Louisiana created by this act;

—their duties, &c.

And that the terms of appointment and service together with the duties and responsibilities of the said marshal and district attorney, respectively, for the district aforesaid shall be in all respects the same within their said district as the terms of appointment and services, the duties, and responsibilities of the marshal and district attorney, respectively, of the eastern district of the State of Louisiana [*March* 3, 1881.]

CHAPTER 145.

March 3, 1881.

21 Stat. L., 508.

AN ACT CONFIRMING AND VESTING THE TITLE TO A CERTAIN TRACT OF LAND IN BURLINGTON, IOWA, IN THE INDEPENDENT SCHOOL DISTRICT OF SAID CITY.

Preamble. | Title to land in Burlington, Iowa, vested in school district for school purposes, &c.

Preamble.

Whereas, it is claimed that the word "west" after the words "Valley street" in the act confirming the title to a tract of land in the city of Burlington Iowa", approved July fourth, eighteen and sixty-eight (volume fifteen, page eighty two, United States Statutes at Large), is a clerical error, and that the word "east" should be inserted in lieu thereof: Therefore in order to properly confirm the title to the lot which was intended to be confirmed by such act,

Title of land in Burlington, Iowa, vested in the school district for school purposes, &c.

Be it enacted, &c., That the act entitled "An act confirming the title to a tract of land in Burlington Iowa" approved July fourth, eighteen hundred and sixty eight, be, and the same is hereby, amended so as to read as follows:

1868, ch. 131 (15 Stat. L., 82).

That all of the title of the United States in and to a certain tract of land in the city of Burlington, Des Moines County, in the State of Iowa, described as being west of lot number nine hundred and seventy-eight in said city, south of Valley street, east of Boundary street, and north of Market street, as laid down on the plat of said city certified under the act of Congress of March third, eighteen hundred and thirty seven, by William W. Conell and George Cubbage, commissioners, and now on file in the General Land Office, and which was originally reserved from sale by the United States and dedicated to public burial purposes, be, and the same is hereby confirmed to and vested in the "independent school district" of said city, to be forever dedicated to and used by said school district for public school purposes, and for no other purpose whatsoever. [*March* 3, 1881.]

CHAPTER 146.

March 3, 1881.

21 Stat. L., 508.

AN ACT TO ESTABLISH AN ADDITIONAL LAND DISTRICT IN THE STATE OF KANSAS.

SECTION
1. Southwestern land district, Kansas, established.
2. Register and receiver.
3. Business of old districts confirmed.

Be it enacted, &c.

Southwestern land district, Kansas, established.

R. S., § 2256, 2d ed., p. 409.

[SECTION 1], That the following described territory in the State of Kansas, to wit: commencing at the southeast corner of township thirty-five, south range thirty-one west of the sixth principal meridian on the south boundary of the State of Kansas; thence west on said southern

boundary to the western boundary of said State; thence north on said western boundary to the fourth standard parallel south; thence east along said parallel to the northeast corner of township twenty-one south, range thirty-one west, and thence south to the place of beginning, in the State of Kansas, shall constitute an additional land district, to be called the southwestern land district, the location for the office of which shall be designated by the President of the United States, and shall by him from time to time be changed, as the public interest may seem to require.

Register and receiver. R. S., §§ 2234–2247.

SEC. 2. That the President be, and he hereby is, authorized, whenever the public interest shall require, to appoint, in accordance with existing laws authorizing appointment to office, a register and a receiver for the district hereby created, who shall each be required to reside at the site of the office for said district, have the same powers, responsibilities, and emoluments, and be subject to the same acts and penalties which are, or may be, prescribed by law in relation to other land-offices of the United States.

Business of the old districts confirmed.

SEC. 3. That all sales and locations made at the offices of the districts in which the lands embraced in this district have hitherto been included, situated wholly within the limits of this district, which shall be valid and right in other respects up to the day on which the new office shall go into operation, be, and the same are hereby, confirmed. [*March* 3, 1881.]

CHAPTER 147.

AN ACT TO REGULATE THE MODE OF PURCHASING TOBACCO FOR THE UNITED STATES NAVY.

March 3, 1881.
21 Stat. L., 509.

Tobacco for Navy; how to be purchased.

Tobacco for Navy; how to be purchased. R. S., § 3721.

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, directed to cause all purchases of tobacco for the use of the Navy to be made in the city of Washington, and as follows:

In the month of February or March of each year the Secretary of the Navy shall cause proposals for bids for supplying the Navy with tobacco during the next year to be advertised thirty days in one daily newspaper in each of the cities of New York, Harrisburg, Pennsylvania, Baltimore, Richmond, Raleigh, North Carolina, Saint Louis, Louisville, Nashville, Hartford, Connecticut, Detroit, Cairo, Illinois, and Chicago; said tobacco to be manufactured during the months of June, July, August, and September; the bids to be accompanied by samples of the tobacco which each bidder may propose to furnish. The lowest bid for furnishing tobacco equal to the United States Navy standard now in use shall be accepted. [*March* 3, 1881.]

CHAPTER 148.

AN ACT TO PROVIDE FOR THE PREPARATION OF CLASSIFIED ABRIDGMENTS OF ALL LETTERS PATENT OF THE UNITED STATES.

March 3, 1881.
21 Stat. L., 509.

SECTION
1. Classified abridgments of letters patent.
2. — how printed and distributed.
SECTION
— to be sold at cost.

Be it enacted, &c.

Classified abridgments of letters patent.

[SECTION 1], That the sum of ten thousand dollars be, and the same hereby is, appropriated, out of any moneys belonging to the patent fund in the Treasury not otherwise appropriated, to be expended under the direction of the Commissioner of Patents in the preparation of classified abridgments of all letters patent of the United States.

—how printed and distributed.

SEC. 2. That the said abridgments shall be printed, and one copy of each shall be furnished to each Senator, Representative, and Delegate in Congress; one copy to each of eight public libraries to be designated by each Senator, Representative and Delegate; and two copies to the Library of Congress; and also copies to such foreign governments, libraries, and learned societies as the Commissioner of Patents may designate:

—to be sold at cost.

Provided, That copies shall be sold at the cost of printing, and all sums received from such sale shall, on or before the first day of each month, be paid into the Treasury. [*March* 3, 1881.]

CHAPTER 149.

March 3, 1881.
21 Stat. L., 509.

AN ACT TO GRADUATE THE PRICE AND DISPOSE OF THE RESIDUE OF THE OSAGE INDIAN TRUST AND DIMINISHED-RESERVE LANDS, LYING EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN KANSAS.

Osage Indian trust lands, &c., in Kansas, to be sold. | Assent of Indians required.

Osage Indian trust lands, &c., in Kansas, to be sold.
1874, June 23, ch. 488.
1876, Aug. 11, ch. 259.
1880, May 28, ch. 107.

Be it enacted, &c., That all of the lands known as the Osage Indian trust and diminished reserve lands, lying east of the sixth principal meridian, in the State of Kansas, remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty one, shall be offered for sale at public auction to the highest bidder for cash at not less than seventy-five cents per acre;

And all of said lands remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty two, shall be offered for sale to the highest bidder for cash, at not less than fifty cents per acre; and all of said lands remaining unsold on the thirtieth day of June, anno Domini eighteen hundred and eighty-three, shall be offered for sale to the highest bidder for cash, at not less than twenty-five cents per acre;

And all of said lands remaining unsold after the last said public offering shall be subject to be disposed of by cash entry at twenty-five cents per acre, and the Secretary of the Interior may offer the same as aforesaid, in such quantities as may seem to him best; and may make all needful regulations, including the publication of notice of sale, as he may deem proper to carry out the provisions of this act:

Assent of Indians required.

Provided, however, That no proceeding shall be taken under this act until at least two-thirds of the adult males of said Osage Indian tribes shall assent to the foregoing provisions. [*March* 3, 1881.]

CHAPTER 150.

March 3, 1881.
21 Stat. L., 510.

AN ACT TO AMEND SECTION FOURTEEN HUNDRED AND EIGHTY-SIX OF THE REVISED STATUTES IN ORDER TO PRESERVE THE MEANING OF THE ORIGINAL LAW FROM WHICH IT WAS TAKEN, WITH REFERENCE TO THE RANK OF ENGINEER OFFICERS, GRADUATES OF THE NAVAL ACADEMY.

Precedence of rank of officers in Navy. | —limiting former provision.

Precedence of rank of officers in Navy.
Limiting former provision.
R. S., § 1486.

Be it enacted, &c., That section fourteen hundred and eighty-six of the Revised Statutes of the United States be amended by inserting after the word "accordingly", at the end of the section the words,

"*Provided*, That nothing in this section shall be so construed as to give to any officer of the staff corps precedence of, or a higher relative rank than that of, another staff officer in the same grade and corps, and whose commission in such grade and corps antedates that of such officer." [*March* 3, 1881.]

CHAPTER 153.

AN ACT TO AMEND SECTION TWO THOUSAND TWO HUNDRED AND NINETY-SEVEN, OF TITLE THIRTY-TWO, OF THE REVISED STATUTES, RELATING TO HOMESTEAD SETTLERS.

March 3, 1881.
21 Stat. L., 511.

Homestead settlers allowed additional time, for climatic reasons, to commence residence.

Be it enacted, &c., That section numbered twenty-two hundred and ninety-seven, of title numbered thirty-two, be amended by adding thereto the following proviso, namely:

Provided, That where there may be climatic reasons the Commissioner of the General Land Office may, in his discretion, allow the settler twelve months from the date of filing in which to commence his residence on said land under such rules and regulations as he may prescribe. [*March* 3, 1881.]

Homestead settlers allowed additional time, for climatic reasons, to commence residence.
R. S., § 2297.

CHAPTER 154.

AN ACT AMENDATORY OF AND SUPPLEMENTARY TO "AN ACT TO PROVIDE FOR THE HOLDING OF TERMS OF THE DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES AT FORT WAYNE, INDIANA", APPROVED JUNE EIGHTEENTH, EIGHTEEN HUNDRED AND SEVENTY-EIGHT.

March 3, 1881.
21 Stat. L., 511.

SECTION
1. Two terms of district and circuit courts at Fort Wayne.
2. Clerk and marshal and their duties.

Be it enacted, &c.

[SECTION 1], That there shall be two terms each of the United States district and circuit courts for the district of Indiana, held in the city of Fort Wayne, Indiana, said terms to begin on the second Tuesday in June and December.

Two terms of district and circuit courts at Fort Wayne.
R. S., §§ 572, 658.
1878, June 18, ch. 269.

SEC. 2. The clerk of the district and circuit courts for the district of Indiana, and marshal and district attorney for said district, shall perform the duties appertaining to their offices respectively for said courts, and said clerk and marshal shall appoint deputies, who shall reside and keep their offices at Fort Wayne, Indiana.

Said deputies shall keep in their offices such records as appertain to their offices, and said deputy clerk shall keep in his office full records of all actions, proceedings, and judgments in said courts. [*March* 3, 1881.]

Clerk and marshal and their deputies.
1879, March 3, ch. 182, § 1, par. 14.

CHAPTER 156.

AN ACT TO ESTABLISH A PORT OF DELIVERY AT INDIANAPOLIS, IN THE STATE OF INDIANA.

March 3, 1881.
21 Stat. L., 512.

Indianapolis, Ind., created a port of delivery, with privileges of inland transportation in bond.
—surveyor of customs for.

Be it enacted, &c., That Indianapolis in the State of Indiana be and the same is hereby constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June tenth, eighteen hundred and eighty, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" be and the same are hereby extended to said port;

And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary to be determined by the Secretary of the Treasury, not exceeding one thousand dollars per annum. [*March* 3, 1881.]

Indianapolis, Ind., created a port of delivery, with privileges of inland transportation in bond.
R. S., § 2601.
1880, June 10, ch. 190.
—surveyor of customs for.
R. S., § 2202.

CHAPTER 160.

March 3, 1881.
21 Stat. L., 513.

AN ACT TO CONSTRUE AN ACT ENTITLED "AN ACT TO RELIEVE THE CHURCHES AND ORPHAN ASYLUMS OF THE DISTRICT OF COLUMBIA AND TO CLEAR THE TITLE OF THE TRUSTEES OF SUCH PROPERTY."

In District of Columbia, church property released from taxes. | —orphan asylums in, exempt from taxation.

Be it enacted, &c.

In District of Columbia, church property released from taxes.

[SECTION 1], That upon the payment on or before the first day of October, eighteen hundred and eighty one, of all taxes and assessments levied since the first day of July, eighteen hundred and seventy four, upon church property used for parsonage purposes in the District of Columbia, all taxes and assessments levied upon said parsonage property prior to said first day of July, eighteen hundred and seventy four, together with any and all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are, remitted and released.

—orphan asylums in, exempt from taxation.

SEC. 2. That all taxes and assessments heretofore levied upon orphan asylums, and on the grounds actually occupied thereby, together with all penalties, costs, and interest that may have accrued thereon, shall be, and hereby are remitted and released; and said asylums and grounds shall hereafter be exempt from taxation while so occupied:

Provided, That all other real estate belonging to such institutions shall still be held for assessment and taxation, and for all previous assessments and taxes. [*March* 3, 1881.]

RESOLUTIONS.

NUMBER 1.

Dec. 18, 1880.
21 Stat. L., 515.

JOINT RESOLUTION DIRECTING ONE COPY OF CONGRESSIONAL RECORD TO BE SENT TO EACH OF OUR LEGATIONS ABROAD.

Congressional Record to be sent free to legations abroad.

Congressional Record to be sent free to legations abroad.
R. S., §§ 504, 3760.

Resolved, &c., That the Public Printer be and he is hereby authorized and directed to forward free of charge one copy of the daily Congressional Record to each of our legations abroad. Commencing at the beginning of this session and continuing each day until the fourth day of March eighteen hundred and eighty-one. [*December* 18, 1880.]

NUMBER 3.

Jan. 27, 1881.
21 Stat. L., 515.

JOINT RESOLUTION IN REFERENCE TO THE DISTRIBUTION OF THE CONGRESSIONAL RECORD.

Congressional Record to be furnished justices, clerk, and marshal of Supreme Court. | —and to Reporter of Senate.

Congressional Record to be furnished justices, clerk, and marshal of Supreme Court.
R. S., § 3760.

Resolved, &c., That the Public Printer be authorized to furnish the Chief Justice and each of the associate justices of the Supreme Court of the United States, and the clerk and marshal of the court with a current copy of the Daily Congressional Record, and at the end of each session a bound copy of the proceedings of Congress for such session.

—and to Reporter of Senate.

And the public Printer shall also furnish to the Official Reporter of the Senate five bound copies of the Congressional Record for each session. [*January* 27, 1881.]

NUMBER 9.

JOINT RESOLUTION TO PROVIDE FOR PRINTING AND DISTRIBUTING THE INDEX OF THE CONGRESSIONAL RECORD SEMI-MONTHLY.

Feb. 8, 1881.
21 Stat. L., 516.

Index to Congressional Record to be printed semi-monthly.
—how distributed.
—by whom prepared.
—compensation for preparation.

Resolved, &c., That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for hereafter issuing the index of the Congressional Record semi-monthly during the sessions of Congress, beginning with next ensuing session.

Index to Congressional Record to be printed semi-monthly. R. S., § 78.

That the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distributes of the daily issue of the Record, and to the same persons and in the same manner.

—how distributed. R. S., §§ 504, 3760.

That the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work and direct the form and manner of its publication:

—by whom prepared.

Provided however, That the compensation allowed for preparing said semi-monthly index, including their compilation into a session index, shall not exceed the average total amount now allowed by the Joint Committee on Printing for compiling the session index. [*February* 8, 1881.]

—compensation for preparing.

NUMBER 12.

JOINT RESOLUTION AUTHORIZING THE PUBLIC PRINTER TO PRINT REPORTS OF THE UNITED STATES FISH COMMISSIONER UPON NEW DISCOVERIES IN REGARD TO FISH-CULTURE.

Feb. 14, 1881.
21 Stat. L., 517.

Report of Commissioner of Fisheries to be printed, &c.
—number and distribution of.

Resolved, &c., That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of nineteen hundred copies of any matter furnished him by the United States Commissioner of Fish and Fisheries relative to new observations, discoveries, and applications connected with fish-culture and the fisheries, to be capable of being distributed in parts, and the whole to form an annual volume or bulletin not exceeding five hundred pages.

Reports of Commissioner of Fisheries to be printed, &c. R. S., §§ 4391-4398.

The edition of said annual work shall consist of five thousand copies, of which two thousand five hundred shall be for the use of the House of Representatives, one thousand for the use of the Senate, and one thousand five hundred for the use of the Commissioner of Fish and Fisheries. [*February* 14, 1881.]

—number and distribution of.

NUMBER 22.

JOINT RESOLUTION IN RELATION TO THE INTERNATIONAL EXHIBITION OF EIGHTEEN HUNDRED AND EIGHTY-THREE.

March 1, 1881.
21 Stat. L., 518.

Foreign governments to be invited to be represented at international exhibition of 1883.
—without liability of the United States for expenses.

Resolved, &c., That whenever the President shall deem the preparations which shall have been made therefor adequate, he is hereby authorized and requested, in the name of the United States, to invite all foreign governments to be represented at and take part in the international exhibition of arts, manufactures, and products of the soil and mine to be held under the direction of the United States International

Foreign governments to be invited to be represented at international exhibition of 1883. 1880, April 23, ch. 60.

Commission at the city of New York, in the State of New York, in the year eighteen hundred and eighty-three:

—without liability of the United States for expenses.

Provided, however, That the United States shall not be liable, directly or indirectly, for any of the expenses attending such exhibition, or by reason of the invitation hereby authorized. [*March* 1, 1881.]

NUMBER 26.

March 3, 1881.

21 Stat. L., 521.

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF THE TREASURY TO FURNISH STATES, FOR THE USE OF AGRICULTURAL COLLEGES, ONE SET OF STANDARD WEIGHTS AND MEASURES AND FOR OTHER PURPOSES.

Standard weights and measures to be furnished certain agricultural colleges, &c.

Standard weights and measures to be furnished certain agricultural colleges.

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union, for the use of agricultural colleges in the States, respectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution:

—cost of, &c.

Provided That the cost of each set shall not exceed two hundred dollars, and a sum sufficient to carry out the provisions of this resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated. [*March* 3, 1881.]

PROCLAMATIONS.

1873—NUMBER 2.

[DECLARING LAWS PASSED BY GREAT BRITAIN, CANADA, AND PRINCE EDWARD'S ISLAND, GIVING EFFECT TO CERTAIN PROVISIONS OF TREATY OF WASHINGTON.]

July 1, 1873.

18 Stat. L., 842.

Preamble.
Protocol.
Act passed by Great Britain.
— by Canada.
— by Prince Edward's Island.
Act passed by United States.
Articles of treaty in force.
Laws declared passed giving effect to provisions of treaty.

Whereas by the Thirty-third Article of a Treaty concluded at Washington on the 8th day of May, 1871, *between the United States and Her Britannic Majesty, it was provided that "Articles XVIII to XXV inclusive and Article XXX of this Treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other;"*

Preamble. *Treaty* (17 Stat. L., 863).

And whereas by the first section of an Act entitled (1) *"An act to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries," it is provided "that whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the Treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in Articles eighteenth to twenty-fifth, inclusive, and Article thirtieth of said Treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence;"*

And whereas the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a protocol a conference held by them at the Department of State in Washington, on the 7th day of June, 1873, *in the following language:*

"Protocol of a conference held at Washington, on the seventh day of June, one thousand eight hundred and seventy-three.

Protocol.

"Whereas it is provided by Article XXXIII of the Treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the United States of America, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXIII.

"The foregoing Articles, XVIII to XXV, inclusive, and Article XXX of this Treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the

NOTE.—(1) See note at end of proclamation on next following page.

Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation, and further, until the expiration of two years after either of the High Contracting Parties shall have given notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said period of ten years, or at any time afterward;"

Act passed by Great Britain.

And whereas, in accordance with the stipulations of the above recited Article, an Act was passed by the Imperial Parliament of Great Britain in the 35th and 36th years of the reign of Queen Victoria, intituled "An Act to carry into effect a Treaty between Her Majesty and the United States of America:"

— by Canada.

And whereas an Act was passed by the Senate and House of Commons of Canada in the fifth session of the First Parliament, held in the thirty-fifth year of Her Majesty's reign, and assented to in Her Majesty's name, by the Governor General, on the fourteenth day of June, 1872, intituled "An Act relating to the Treaty of Washington, 1871:"

— by Prince Edward's Island.

And whereas an Act was passed by the Legislature of Prince Edward's Island and assented to by the Lieutenant Governor of that Colony on the 29th day of June, 1872, intituled "An Act relating to the Treaty of Washington, 1871:"

— by United States. 1873, ch. 213 (17 Stat. L., 482), R. S., §§ 2506, 2866, 4347.

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, and approved on the first day of March, 1873, by the President of the United States, intituled (1) "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to fisheries:"

Article of treaty in force (17 Stat. L., 482).

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honourable Sir Edward Thornton, one of Her Majesty's Most Honourable Privy Council, Knight Commander of the Most Honourable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Article XXX of the Treaty aforesaid into operation, have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one part, and by the Congress of the United States on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX of the Treaty between Her Britannic Majesty and the United States of America of the 8th of May, 1871, will take effect on the First day of July next.

In witness whereof the undersigned have signed this Protocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this Seventh day of June, 1873.

(SEAL.) (Signed) HAMILTON FISH.
(SEAL.) (Signed) EDWD. THORNTON.

Laws declared passed, giving effect to provisions of treaty. R. S., §§ 2506, 2866, 4347.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward's Island, have passed laws on their part to give full effect to the provisions of the said Treaty as contained in Articles Eighteenth to Twenty-fifth, inclusive, and Article Thirtieth of said Treaty. [*July* 1, 1873.]

NOTE.—(1) The provisions of the act of Congress, 1873, ch. 213 (17 Stat. L., 482), here referred to, are incorporated into Revised Statutes in the sections referred to in the margin.

Thereafter fish-oil and fish, the produce of fisheries of Canada and Prince Edward's Island, are admitted free of duty, as provided in Revised Statutes, § 2506.

Merchandise destined for British possessions in North America may be entered at certain ports and conveyed in transit through the United States, under certain rules and regulations, without payment of duties, as provided in Revised Statutes, § 2866.

British subjects may carry in British vessels, without payment of duty, merchandise from one port or place in the United States upon the Saint Lawrence River, the great lakes, and the rivers connecting the same, to another port or place in the United States, through Canada in bond, as provided in Revised Statutes, § 4347.]

1873—NUMBER 4.

Sept. 22, 1873.

18 Stat. L., 844.

[DISCONTINUING DISCRIMINATING DUTIES ON MERCHANDISE IMPORTED IN FRENCH VESSELS.]

Preamble.

Discriminating duties on merchandise imported in French vessels discontinued.

Preamble.

Whereas, satisfactory evidence was given me on the 13th day of September current, by the Marquis de Noailles, Envoy Extraordinary and Minister Plenipotentiary from the French Republic, that on and after the first day of October next, merchandise imported into France in vessels of the United

States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandise imported into France from countries of its origin, or from any other country in French vessels:

Discriminating duties on merchandise imported in French vessels discontinued. R. S., §§ 2502, 4228.

Now therefore, I, ULYSSES S. GRANT, President of the United States of America, by virtue of the authority vested in me by law, do hereby declare and proclaim that on and after the first day of October next, so long as merchandise imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon merchandise imported into the United States in French vessels either from the countries of its origin, or from any other country, shall be and are discontinued and abolished. [*September* 22, 1873.]

1874—NUMBER 7.

[DECLARING LAW PASSED BY NEWFOUNDLAND GIVING EFFECT TO CERTAIN PROVISIONS OF THE TREATY OF WASHINGTON.]

May 29, 1874.

18 Stat. L., 847.

Preamble.
Act of United States.
Protocol.
Act of United States.
Act of Newfoundland.
Articles of treaty in force.
Laws declared passed giving effect to provisions of treaty.

Preamble. *Treaty* (17 Stat. L., 863).

Whereas by the thirty-third article of a treaty concluded at Washington on the 8th day of May, 1871, *between the United States and Her Britannic Majesty, it was provided that "Articles XVIII to XXV, inclusive, and Article XXX of this treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island, on the one hand, and by the Congress of the United States, on the other:"*

And whereas it is provided by Article XXXII of the treaty aforesaid "that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty:"

Act of United States. 1873, ch. 213 (17 Stat. L., 482). R. S., § 2506.

And whereas by the second section of an act, entitled (1) *"An Act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, eighteen hundred and seventy-one, relating to the fisheries," it is provided:*

"That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the Legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty:"

NOTE.—(1) The provisions of the second section of the act of 1873, 213 (17 Stat. L., 482), here referred to, are incorporated into the Revised Statutes, forming the last part of § 2506, and thereafter fish-oil and fish, the product of the fisheries of Newfoundland, are admitted free of duty, as therein provided.

Protocol.

And whereas the Secretary of State of the United States and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a protocol of a conference held by them in the Department of State in Washington on the 28th day of May, 1874, at the following language:

Protocol of a conference held at Washington on the twenty-eighth day of May, one thousand eight hundred and seventy-four.

Whereas it is provided by Article XXXII of the treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th of May, 1871, as follows:

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty:"

Act of United States 1873, ch. 213 (17 Stat. L., 482). R. S., § 2506.

And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved on the first day of March, 1873, by the President of the United States, entitled (1) "An act to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the eighth of May, 1871, relating to fisheries," by which act it is provided:

"Section 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the Legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty:"

Act of Newfoundland.

And whereas an act was passed by the Governor, Legislative Council, and Assembly of Newfoundland, in legislative session convened, in the thirty-seventh year of Her Majesty's reign, and assented to by Her Majesty on the twelfth day of May, 1874, intituled "An Act to carry into effect the provisions of the treaty of Washington as far as they relate to this colony:"

Articles of treaty in force (17 Stat. L., 482).

The undersigned, Hamilton Fish, Secretary of State of the United States, and the Right Honorable Sir Edward Thornton, one of Her Majesty's most honorable Privy Council, Knight Commander of the most honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV, inclusive, and Articles XXX and XXXII, of the treaty aforesaid into operation, have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island and the Legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV, inclusive, and Article XXX, of the treaty between the United States of America and Her Britannic Majesty shall take effect in accordance with Article XXXIII of said treaty between the citizens of the United States of America and Her Majesty's subjects in the colony of Newfoundland, on the first day of June next.

In witness whereof the undersigned have signed this proctocol, and have hereunto affixed their seals.

Done in duplicate at Washington, this twenty-eighth day of May, 1874.

[L. S.] HAMILTON FISH.
[L. S.] EDWD. THORNTON.

Laws declared passed, giving effect to provisions of treaty. R. S., § 2506.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, in pursuance of the premises, do hereby declare that I have received satisfactory evidence that the Imperial Parliament of Great Britain and the Legislature of Newfoundland have passed laws on their part to give full effect to the provisions of the said treaty, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty. [*May* 29, 1874.]

1874—NUMBER 10.

[ACCEPTING FOR CITIZENS OF UNITED STATES RESIDING IN TURKISH DOMINIONS LAW OF OTTOMAN PORTE CEDING RIGHT TO FOREIGNERS TO HOLD IMMOVABLE PROPERTY.]

Oct. 29, 1874.
18 Stat. L., 850.

Preamble.
Protocol.
Rights of foreigners to hold real estate in Ottoman Empire, &c.
— as to domicile.
Residence defined.
— not to be entered by police without assistance of consul; when; duty of consul.
— when may be entered by police with elders of commune.
Application of regulations to residence.
Beyond residence, action of police to be free, &c.
Domiciliary visits to be under *procès-verbal*, &c.
Special regulation.
Cases in which foreigners are subject to jurisdiction of local officers without assistance of consular delegates.
— right of appeal.
Execution not to be enforced without co-operation of consul, &c.
Rules of procedure.
Foreigners may submit to jurisdiction of elders and tribunals of canton with right of appeal.
— their consent how given.
Trials affecting real estate.
Right of defence and publicity of hearings.
How long provisions to remain in force.

IMPERIAL RESCRIPT.

Art. 1. Foreigners may hold real estate the same as Ottoman subjects.
— but not Ottoman subjects who have changed nationalities.
Art. 2. Effect of such right.
Art. 3. In case of bankruptcy of holder of real estate; proceedings.
Execution of judgment against real estate.
Art. 4. Real estate may be disposed of by will and otherwise in certain cases.
Art. 5. When privileges may be enjoyed.
Proclaimed by the President.

Whereas, pursuant to the second section of the act of Congress approved the 23d of March last, entitled "An act to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman dominions and Egypt, established or to be established under the authority of the Sublime Porte and of the government of Egypt," the President is authorized, for the benefit of American citizens residing in the Turkish dominions, to accept the recent law of the Ottoman Porte ceding the right of foreigners possessing immovable property in said dominions;

Preamble. 1874, March 23, ch. 62, § 2.

And whereas, pursuant to the authority thus in me vested, I have authorized George H. Boker, accredited as Minister Resident of the United States to the Ottoman Porte, to sign, on behalf of this Government, the Protocol accepting the law aforesaid of the said Ottoman Porte; which Protocol and law are, word for word, as follows:

[Translation.]

The United States of America and His Majesty the Sultan being desirous to establish by a special act the agreement entered upon between them regarding the admission of American citizens to the right of holding real estate granted to foreigners by the law promulgated on the 7th of Sepher, 1284 (January 18, 1867), have authorized:

The President of the United States of America, George H. Boker, Minister Resident of the United States of America near the Sublime Porte, and

His Imperial Majesty the Sultan, His Excellency A. Aarifi Pasha, his Minister of Foreign Affairs, to sign the Protocol which follows:

PROTOCOL.

Protocol.

The law granting foreigners the right of holding real estate does not interfere with the immunities specified by the treaties, and which will continue to protect the person and the movable property of foreigners who may become owners of real estate.

Rights of foreigners to hold real estate in Ottoman Empire, &c.

As the exercise of this right of possessing real property may induce foreigners to establish themselves in larger numbers in the Ottoman Empire, the Imperial government thinks it proper to anticipate and to prevent the difficulties to which the application of this law may give rise in certain localities. Such is the object of the arrangements which follow.

The domicile of any person residing upon the Ottoman soil being inviolable, and as no one can enter it without the consent of the owner, except by virtue of orders emanating from competent authority, and with the assistance of the magistrate or functionary invested with the necessary powers, the residence of foreigners is inviolable on the same principle, in conformity with the treaties, and the agents of the public force cannot enter it without the assistance of the consul or of the delegate of the consul of the power on which the foreigner depends.

— as to domicile.

By residence we understand the house of inhabitation and its dependencies: that is to say, the out-houses, courts, gardens, and neighboring enclosures, to the exclusion of all other parts of the property.

Residence defined.

In the localities distant by less than nine hours' journey from the consular residence, the agents of the public force cannot enter the residence of a foreigner without the assistance of a consul, as was before said.

— not to be entered by police without assistance of consul, when.

On his part the consul is bound to give his immediate assistance to the local authority, so as not to let six hours elapse between the moment which he may be informed and the moment of his departure, or the departure of his delegate, so that the action of the authorities may never be suspended more than twenty-four hours.

Duty of consul.

Residence; when may be entered by police with assistance of elders of commune.

In the localities distant by nine hours or more than nine hours of travel from the residence of the consular agent, the agents of the public force may, on the request of the local authority, and with the assistance of three members of the Council of the Elders of the Commune, enter into the residence of a foreigner, without being assisted by the consular agent, but only in case of urgency, and for the search and the proof of the crime of murder, of attempt at murder, of incendiarism, of armed robbery either with infraction or by night in an inhabited house, of armed rebellion, and of the fabrication of counterfeit money; and this entry may be made whether the crime was committed by a foreigner or by an Ottoman subject, and whether it took place in the residence of a foreigner or not in his residence, or in any other place.

Application of regulations to residence.

These regulations are not applicable but to the parts of the real estate which constitute the residence, as it has been heretofore defined.

Beyond residence, action of police to be free, &c.

Beyond the residence, the action of the police shall be exercised freely and without reserve; but in case a person charged with crime or offence should be arrested, and the accused shall be a foreigner, the immunities attached to his person shall be observed in respect to him.

Domiciliary visits to be under *procès-verbal*, &c.

The functionary or the officer charged with the accomplishment of a domiciliary visit, in the exceptional circumstances determined before, and the members of the Council of Elders who shall assist him will be obliged to make out a *procès-verbal* of the domiciliary visit, and to communicate it immediately to the superior authority under whose jurisdiction they are, and the latter shall transmit it to the nearest consular agent, without delay.

Special regulations.

A special regulation will be promulgated by the Sublime Porte, to determine the mode of action of the local police in the several cases provided heretofore.

Cases in which foreigners are subject to jurisdiction of local officers without assistance of consular delegate.

In localities more distant than nine hours' travel from the residence of the consular agent, in which the law of the judicial organization of the Velayet may be in force, foreigners shall be tried without the assistance of the consular delegate by the Council of Elders fulfilling the function of justices of the peace, and by the tribunal of the canton, as well for actions not exceeding one thousand piastres as for offences entailing a fine of five hundred piastres only at the maximum.

— right of appeal.

Foreigners shall have, in any case, the right of appeal to the tribunal of the arrondissement against the judgments issued as above stated, and the appeal shall be followed and judged with the assistance of the consul, in conformity with the treaties.

The appeal shall always suspend the execution of a sentence.

Execution not to be enforced without cooperation of consul, &c.

In all cases the forcible execution of the judgments, issued on the conditions determined heretofore, shall not take place without the coöperation of the consul or of his delegate.

Rules of procedure.

The Imperial government will enact a law which shall determine the rules of procedure to be observed by the parties, in the application of the preceding regulations.

Foreigners may submit to jurisdiction of elders and tribunals of canton with right of appeal.

Foreigners, in whatever locality they may be, may freely submit themselves to the jurisdiction of the Council of Elders or of the tribunal of the canton, without the assistance of the consul, in cases which do not exceed the competency of these councils or tribunals, reserving always the right of appeal before the tribunal of the arrondissement, where the case may be brought and tried with the assistance of the consul or his delegate.

— their consent, how given.

The consent of a foreigner to be tried as above stated, without the assistance of his consul, shall always be given in writing, and in advance of all procedure.

Trials affecting real estate.

It is well understood that all these restrictions do not concern cases which have for their object questions of real estate, which shall be tried and determined under the conditions established by the law.

Right of defence and publicity of hearings.

The right of defence and the publicity of the hearings shall be assured in all cases to foreigners who may appear before the Ottoman tribunals, as well as to Ottoman subjects.

How long provisions to remain in force.

The preceding dispositions shall remain in force until the revision of the ancient treaties, a revision which the Sublime Porte reserves to itself the right to bring about hereafter by an understanding between it and the friendly Powers.

In witness whereof the respective plenipotentiaries have signed the Protocol, and have affixed thereto their seals.

Done at Constantinople the eleventh of August, one thousand eight hundred and seventy-four.

(Signed:) A. AARIFI. [L. S.] (Signed:) GEO. H. BOKER. [L. S.]

[Translation.]

Law conceding to foreigners the right of holding real estate in the Ottoman Empire.

Imperial Rescript.—Let it be done in conformity with the contents. 7 Sepher, 1284, (January 18, 1867.)

With the object of developing the prosperity of the country, to put an end to the difficulties, to the abuses, and to the uncertainties which have arisen on the subject of the right of foreigners to hold property in the Ottoman Empire, and to complete, in accordance with a precise regulation, the safeguards which are due to financial interests and to administrative action, the following legislative enactments have been promulgated by the order of His Imperial Majesty, the Sultan:

Foreigners may hold real estate the same as Ottoman subjects.

ART. I. Foreigners are admitted, by the same privilege as Ottoman subjects, and without any other restriction, to enjoy the right of holding real estate, whether in the city or the country, throughout the empire, with the exception of the province of

Hédjaz, by submitting themselves to the laws and the regulations which govern Ottoman subjects, as is hereafter stated.

This arrangement does not concern subjects of Ottoman birth who have changed their nationality, who shall be governed in this matter by a special law.

Arrangement does not concern Ottoman subjects who have changed nationality.

ART. II. Foreigners, proprietors of real estate, in town or in country, are in consequence placed upon terms of equality with Ottoman subjects in all things that concern their landed property.

The legal effect of this equality is—

Effect of such right is

1st. To oblige them to conform to all the laws and regulations of the police or of the municipality which govern at present or may govern hereafter the enjoyment, the transmission, the alienation, and the hypothecation of landed property.

—to oblige them to conform to the laws, &c.

2d. To pay all charges and taxes under whatever form or denomination they may be, that are levied, or may be levied hereafter, upon city or country property.

—to pay charges and taxes.

3d. To render them directly amenable to the Ottoman civil tribunals in all questions relating to landed property, and in all real actions, whether as plaintiffs or as defendants, even when either party is a foreigner. In short, they are in all things to hold real estate by the same title, on the same condition, and under the same forms as Ottoman owners, and without being able to avail themselves of their personal nationality, except under the reserve of the immunities attached to their persons and their movable goods, according to the treaties.

—to render them amenable to civil tribunals in real actions, &c.

ART. III. In case of the bankruptcy of a foreigner possessing real estate, the assignees of the bankrupt may apply to the authorities and to the Ottoman civil tribunals requiring the sale of the real estate possessed by the bankrupt and which by its nature and according to law is responsible for the debts of the owner.

In case of bankruptcy of holder of real estate; proceedings.

The same course shall be followed when a foreigner shall have obtained against another foreigner owning real estate a judgment of condemnation before a foreign tribunal.

For the execution of this judgment against the real estate of his debtor, he shall apply to the competent Ottoman authorities, in order to obtain the sale of that real estate, which is responsible for the debts of the owner; and this judgment shall be executed by the Ottoman authorities and tribunals only after they have decided that the real estate of which the sale is required really belongs to the category of that property which may be sold for the payment of debt.

Execution of judgment against real estate.

ART. IV. Foreigners have the privilege to dispose, by donation or by testament, of that real estate of which such disposition is permitted by law.

Real estate may be disposed of by will and otherwise in certain cases.

As to that real estate of which they may not have disposed, or of which the law does not permit them to dispose by gift or testament, its succession shall be governed in accordance with Ottoman law.

ART. V. All foreigners shall enjoy the privileges of the present law as soon as the Powers on which they depend shall agree to the arrangements proposed by the Sublime Porte for the exercise of the right to hold real estate.

When privileges may be enjoyed.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, have caused the said Protocol and Law to be made public for the information and guidance of citizens of the United States. [*October* 29, 1874.]

Proclaimed by the President.

1876—NUMBER 3.

[SUSPENDING CERTAIN JUDICIAL FUNCTIONS OF MINISTERS AND CONSULAR OFFICERS IN EGYPT.]

March 27, 1876.

19 Stat. L., 662.

Preamble.

Certain judicial functions of ministers, consuls, &c., in Egypt suspended.

Whereas by the first section of an Act entitled "An Act to authorize the "President to accept for citizens of the United States the jurisdiction of cer- "tain tribunals in the Ottoman Dominions, and Egypt, established, or to be "established, under the authority of the Sublime Porte, and of the Govern- "ment of Egypt," approved March 23, 1874, *it was enacted as follows:*

Preamble.

R. S., §§ 4083–4091, 4098–4121, 4125.

1874, March 23, ch. 62, § 1.

"That whenever the President of the United States shall receive satisfac- "tory information that the Ottoman Government, or that of Egypt, has or- "ganized other tribunals on a basis likely to secure to citizens of the United "States, in their dominions, the same impartial justice which they now en- "joy there under the judicial functions exercised by the Minister, Consuls, "and other functionaries of the United States, pursuant to the Act of Con- "gress approved the twenty-second of June, eighteen hundred and sixty, en- "titled 'An Act to carry into effect provisions of the treaties between the "' United States, China, Persia and other countries, giving certain judical "'powers to Ministers and Consuls, or other functionaries of the United

"'States in those countries, and for other purposes,' he is hereby authorized "to suspend the operations of said acts as to the dominions in which such "tribunals may be organized, so far as the jurisdiction of said tribunals "may embrace matters now cognizable by the Minister, Consuls, or other "functionaries of the United States in said dominions, and to notify the "Government of the Sublime Porte, or that of Egypt, or either of them, "that the United States, during such suspension, will as aforesaid accept "for their citizens the jurisdiction of the tribunals aforesaid over citizens of "the United States which has heretofore been exercised by the Minister, "Consuls, or other functionaries of the United States."

And whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such government the impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consul or other functionaries of the United States, pursuant to the said Act of Congress approved June 22, 1860.(1)

Certain judicial functions of ministers, consuls, &c., in Egypt suspended.
R. S., §§ 4083–4091, 4090–4121, 4125.
1874, March 23, ch. 62.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, by virtue of the power and authority conferred upon me by the said act approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said Act approved June 22, 1860,(1) as to the said dominions, subject to the Government of Egypt in which such tribunals have been organized so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof. [*March 27, 1876.*]

NOTE.—(1) The provisions of the act of 1860, ch. 179 (12 Stat. L., 72), are incorporated into Revised Statutes in the sections noted in the margin.

1876—NUMBER 6.

Aug. 1, 1876.

[DECLARING THE ADMISSION OF COLORADO AS A STATE IN THE UNION COMPLETE.]

19 Stat. L., 665.

Colorado. — Preamble. | — declared a State of the Union.

Colorado a State. Preamble.
1875, March 3, ch. 139.
1876, June 26, ch. 147.

Whereas the Congress of the United States did, by an act approved on the third day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State Government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States, upon certain conditions in said act specified;

And whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States;

And whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of

July, eighteen hundred and seventy-six, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting Governor of the Territory, who with the Chief Justice and the United States Attorney of said Territory or any two of them should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting Governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress;

And whereas it has been certified to me by the acting Governor of said Territory of Colorado, that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress;

And whereas a duly authenticated copy of said Constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

Colorado proclaimed a State of the Union.
1875, March 3, ch. 139.
1876, June 26, ch. 147.

[August 1, 1876.]

1876—NUMBER 7.

[PROCLAIMING THE CONVENTION OF COMMERCIAL RECIPROCITY WITH THE HAWAIIAN ISLANDS.]

Sept. 9, 1876.
19 Stat. L., 666.

ARTICLE
- Preamble.
- Convention for commercial reciprocity with Hawaiian or Sandwich Islands.
- Protocol.
- Reciprocity proclaimed.
1. Hawaiian products to be admitted into United States free of duty.
2. United States products admitted into Hawaiian Islands free of duty.
3. Evidence of articles being the product of said countries; how established.
4. No export duty to be charged by either country on such products.
   No lease, &c., of Hawaiian ports, and no other nation to have same privileges.
5. When to take effect.
   How long to remain in force.
6. Exchange of ratifications.

Whereas by Article V of a Convention concluded at Washington upon the 30th day of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands, it was provided as follows, viz:

Preamble.

"*The present Convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America.*

Convention for commercial reciprocity with Hawaiian or Sandwich Islands.
See Articles of treaty p. 629.

"*Such assent having been given and the ratifications of the Convention having been exchanged as provided in Article VI, the Convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.*"

And whereas such Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same

"'States in those countries, and for other purposes,' he is hereby authorized "to suspend the operations of said acts as to the dominions in which such "tribunals may be organized, so far as the jurisdiction of said tribunals "may embrace matters now cognizable by the Minister, Consuls, or other "functionaries of the United States in said dominions, and to notify the "Government of the Sublime Porte, or that of Egypt, or either of them, "that the United States, during such suspension, will as aforesaid accept "for their citizens the jurisdiction of the tribunals aforesaid over citizens of "the United States which has heretofore been exercised by the Minister, "Consuls, or other functionaries of the United States."

And whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such government the impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consul or other functionaries of the United States, pursuant to the said Act of Congress approved June 22, 1860.(1)

Certain judicial functions of ministers, consuls, &c., in Egypt suspended.
R. S., §§ 4083–4091, 4090–4121, 4125.
1874, March 23, ch. 62.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, by virtue of the power and authority conferred upon me by the said act approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said Act approved June 22, 1860,(1) as to the said dominions, subject to the Government of Egypt in which such tribunals have been organized so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof. [*March 27, 1876.*]

NOTE.—(1) The provisions of the act of 1860, ch. 179 (12 Stat. L., 72), are incorporated into Revised Statutes in the sections noted in the margin.

1876—NUMBER 6.

Aug. 1, 1876.

[DECLARING THE ADMISSION OF COLORADO AS A STATE IN THE UNION COMPLETE.]

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Colorado. — Preamble. | — declared a State of the Union.

Colorado a State. Preamble.
1875, March 3, ch. 139.
1876, June 26, ch. 147.

Whereas the Congress of the United States did, by an act approved on the third day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State Government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States, upon certain conditions in said act specified;

And whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States;

And whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of

July, eighteen hundred and seventy-six, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting Governor of the Territory, who with the Chief Justice and the United States Attorney of said Territory or any two of them should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting Governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress;

And whereas it has been certified to me by the acting Governor of said Territory of Colorado, that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress;

And whereas a duly authenticated copy of said Constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

Colorado proclaimed a State of the Union.
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Whereas by Article V of a Convention concluded at Washington upon the 30th day of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands, it was provided as follows, viz:

Preamble.

"*The present Convention shall take effect as soon as it shall have been "approved and proclaimed by His Majesty the King of the Hawaiian "Islands, and shall have been ratified and duly proclaimed on the part of "the Government of the United States, but not until a law to carry it into "operation shall have been passed by the Congress of the United States "of America.*

Convention for commercial reciprocity with Hawaiian or Sandwich Islands.
See Articles of treaty p. 629.

"*Such assent having been given and the ratifications of the Convention "having been exchanged as provided in Article VI, the Convention shall "remain in force for seven years from the date at which it may come into "operation; and further, until the expiration of twelve months after either "of the high contracting parties shall give notice to the other of its wish to "terminate the same; each of the high contracting parties being at liberty "to give such notice to the other at the end of the said term of seven years, "or at any time thereafter.*"

And whereas such Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same

"'States in those countries, and for other purposes,' he is hereby authorized "to suspend the operations of said acts as to the dominions in which such "tribunals may be organized, so far as the jurisdiction of said tribunals "may embrace matters now cognizable by the Minister, Consuls, or other "functionaries of the United States in said dominions, and to notify the "Government of the Sublime Porte, or that of Egypt, or either of them, "that the United States, during such suspension, will as aforesaid accept "for their citizens the jurisdiction of the tribunals aforesaid over citizens of "the United States which has heretofore been exercised by the Minister, "Consuls, or other functionaries of the United States."

And whereas satisfactory information has been received by me that the Government of Egypt has organized other tribunals on a basis likely to secure to citizens of the United States in the dominions subject to such government the impartial justice which they now enjoy there under the judicial functions exercised by the Minister, Consul or other functionaries of the United States, pursuant to the said Act of Congress approved June 22, 1860.(1)

Certain judicial functions of ministers, consuls, &c., in Egypt suspended.
R. S., §§ 4083–4091, 4090–4121, 4125.
1874, March 23, ch. 69.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, by virtue of the power and authority conferred upon me by the said act approved March 23, 1874, do hereby suspend during the pleasure of the President the operation of the said Act approved June 22, 1860,(1) as to the said dominions, subject to the Government of Egypt in which such tribunals have been organized so far as the jurisdiction of said tribunals may embrace matters now cognizable by the Minister, Consuls, or other functionaries of the United States in said dominions, except as to cases actually commenced before the date hereof. [*March 27, 1876.*]

NOTE.—(1) The provisions of the act of 1860, ch. 179 (12 Stat. L., 72), are incorporated into Revised Statutes in the sections noted in the margin.

1876—NUMBER 6.

Aug. 1, 1876.

[DECLARING THE ADMISSION OF COLORADO AS A STATE IN THE UNION COMPLETE.]

19 Stat. L., 665.

Colorado. — Preamble. | — declared a State of the Union.

Colorado a State. Preamble.
1875, March 3, ch. 139.
1876, June 26, ch. 147.

Whereas the Congress of the United States did, by an act approved on the third day of March, one thousand eight hundred and seventy-five, authorize the inhabitants of the Territory of Colorado to form for themselves out of said Territory a State Government with the name of the State of Colorado, and for the admission of such State into the Union, on an equal footing with the original States, upon certain conditions in said act specified;

And whereas it was provided by said act of Congress that the convention elected by the people of said Territory to frame a State constitution should, when assembled for that purpose and after organization, declare on behalf of the people that they adopt the constitution of the United States, and should also provide by an ordinance, irrevocable without the consent of the United States and the people of said State, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that the people inhabiting said Territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said Territory and that the same shall be and remain at the sole and entire disposition of the United States, and that the lands belonging to citizens of the United States residing without the said State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States;

And whereas it was further provided by said act that the constitution thus formed for the people of the Territory of Colorado should, by an ordinance of the convention forming the same, be submitted to the people of said Territory for ratification or rejection at an election to be held in the month of

July, eighteen hundred and seventy-six, at which election the lawful voters of said new State should vote directly for or against the proposed constitution, and the returns of said election should be made to the acting Governor of the Territory, who with the Chief Justice and the United States Attorney of said Territory or any two of them should canvass the same, and if a majority of legal votes should be cast for said constitution in said proposed State, the said acting Governor should certify the same to the President of the United States, together with a copy of said constitution and ordinances; whereupon it should be the duty of the President of the United States to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress;

And whereas it has been certified to me by the acting Governor of said Territory of Colorado, that within the time prescribed by said act of Congress a constitution for said proposed State has been adopted, and the same ratified by a majority of the legal voters of said proposed new State in accordance with the conditions prescribed by said act of Congress;

And whereas a duly authenticated copy of said Constitution and of the declaration and ordinance required by said act has been received by me:

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, do, in accordance with the provisions of the act of Congress aforesaid, declare and proclaim the fact that the fundamental conditions imposed by Congress on the State of Colorado to entitle that State to admission to the Union have been ratified and accepted, and that the admission of the said State into the Union is now complete.

Colorado proclaimed a State of the Union. 1875, March 3, ch. 139. 1876, June 26, ch. 147.

[August 1, 1876.]

1876—NUMBER 7.

[PROCLAIMING THE CONVENTION OF COMMERCIAL RECIPROCITY WITH THE HAWAIIAN ISLANDS.]

Sept. 9, 1876.

19 Stat. L., 666.

ARTICLE

Preamble.
Convention for commercial reciprocity with Hawaiian or Sandwich Islands.
Protocol.
Reciprocity proclaimed.
1. Hawaiian products to be admitted into United States free of duty.
2. United States products admitted into Hawaiian Islands free of duty.
3. Evidence of articles being the product of said countries; how established.
4. No export duty to be charged by either country on such products.
No lease, &c., of Hawaiian ports, and no other nation to have same privileges.
5. When to take effect.
How long to remain in force.
6. Exchange of ratifications.

Whereas by Article V of a Convention concluded at Washington upon the 30th day of January, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands, it was provided as follows, viz:

Preamble.

"*The present Convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America.*

Convention for commercial reciprocity with Hawaiian or Sandwich Islands. *See Articles of treaty* p. 629.

"*Such assent having been given and the ratifications of the Convention having been exchanged as provided in Article VI, the Convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.*"

And whereas such Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the United States, and a law to carry the same

into operation has been passed by the Congress of the United States, and the ratifications of the Convention have been exchanged as provided in Article VI thereof:

Protocol.

And whereas the Acting Secretary of State of the United States and His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington have recorded in a protocol a conference held by them at Washington, on the ninth day of September, eighteen hundred and seventy-six, in the following language:

"Whereas it is provided by Article V of the Convention between the "United States of America and His Majesty the King of the Hawaiian "Islands concerning commercial reciprocity, signed at Washington on the "30th day of January, 1875, as follows:

"'ARTICLE V. The present Convention shall take effect as soon as it "'shall have been approved and proclaimed by His Majesty the King of "'the Hawaiian Islands, and shall have been ratified and duly proclaimed "'on the part of the Government of the United States, but not until the "'law to carry it into operation shall have been passed by the Congress of "'the United States of America. Such assent having been given, and the "'ratifications of the Convention having been exchanged as provided in "'Article VI, the Convention shall remain in force for seven years from "'the date at which it may come into operation; and further, until the ex-"'piration of twelve months after either of the high contracting parties "'shall give notice to the other of its wish to terminate the same; each of "'the high contracting parties being at liberty to give such notice to the "'other at the end of the said term of seven years, or at any time there-"'after:'

"And whereas the said Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and has been ratified and duly proclaimed on the part of the Government of the United States:

Act of Congress. 1876, Aug. 15, ch. 290.

"And whereas an act was passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled 'An act to carry into effect a Convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the thirtieth day of January eighteen hundred and seventy-five,' which was approved on the 15th day of August in the year 1876:

"And whereas an act was passed by the Legislative Assembly of the Hawaiian Islands, entitled 'An act to carry into effect a Convention between His Majesty the King and the United States of America, signed at Washington on the 30th day of January, 1875,' which was duly approved on the 18th day of July, in the year 1876:

"And whereas the ratifications of the said Convention have been exchanged as provided in Article VI:

"The undersigned, William Hunter, Acting Secretary of State of the United States of America, and the Honorable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, duly authorized for this purpose by their respective Governments, have met together at Washington, and having found the said Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands and has been ratified and duly proclaimed on the part of the Government of the United States, and that the laws required to carry the said Treaty into operation have been passed by the Congress of the United States of America on the one part and by the Legislative Assembly of the Hawaiian Islands on the other, hereby declare that the Convention aforesaid, concluded between the United States of America and His Majesty the King of the Hawaiian Islands on the 30th day of January, 1875, will take effect on the date hereof:"

Convention of reciprocity proclaimed.

Now, therefore, I, ULYSSES S. GRANT, President of the United States of America, in pursuance of the premises, do declare that the said Convention has been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and been ratified and duly proclaimed on the part of the Government of the United States, and that the necessary legisla-

tion has been passed to carry the same into effect, and that the ratifications of the Convention have been exchanged as provided in Article VI.

[September 9, 1876.]

[ARTICLES OF COMMERCIAL RECIPROCITY IN THE CONVENTION OF JANUARY 30, 1875, REFERRED TO IN THE FOREGOING PROCLAMATION.]

Jan. 30, 1875.
19 Stat., 625.

ARTICLE I.

Hawaiian products to be admitted into United States free of duty. R. S., § 2505. 1876, Aug. 15, ch. 290.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

SCHEDULE.

Arrow-root;
Castor oil;
Bananas;
Nuts, vegetables, dried and undried, preserved and unpreserved;
Hides and skins undressed;
Rice;
Pulu;
Seeds, plants, shrubs or trees;
Muscovado, brown, and all other unrefined sugar, meaning thereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;"
Syrups of sugar-cane, melado, and molasses;
Tallow.

ARTICLE II.

United States products admitted into Hawaiian Islands free of duty.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty, the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture or produce of the United States of America, into all the ports of the Hawaiian Islands, free of duty.

SCHEDULE.

Agricultural implements;
Animals;
Beef, bacon, pork, ham and all fresh, smoked or preserved meats;
Boots and shoes;
Grain, flour, meal and bran, bread and breadstuffs, of all kinds;
Bricks, lime and cement;
Butter, cheese, lard, tallow, bullion;
Coal;
Cordage, naval stores including tar, pitch, resin, turpentine raw and rectified;
Copper and composition sheathing;
Nails and bolts;
Cotton and manufactures of cotton bleached, and unbleached, and whether or not colored, stained, painted or printed;
Eggs;
Fish and oysters, and all other creatures living in the water, and the products thereof;
Fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved;
Hardware;
Hides, furs, skins and pelts, dressed or undressed;
Hoop iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs;
Ice;
Iron and steel and manufactures thereof;
Leather;
Lumber and timber of all kinds, round, hewed, sawed, and unmanufactured in whole or in part;
Doors, sashes and blinds;
Machinery of all kinds, engines and parts thereof;
Oats and hay;
Paper, stationery and books, and all manufactures of paper or of paper and wood;
Petroleum and all oils for lubricating or illuminating purposes;
Plants, shrubs, trees and seeds;
Rice;
Sugar, refined or unrefined;
Salt;
Soap;

Shooks, staves and headings;
Wool and manufactures of wool, other than ready made clothing;
Wagons and carts for the purposes of agriculture or of drayage;
Wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages;
Textile manufactures, made of a combination of wool, cotton, silk or linen, or of any two or more of them other than when ready made clothing;
Harness and all manufactures of leather;
Starch;
And tobacco, whether in leaf or manufactured.

ARTICLE III.

Evidence of articles being the product of said countries; how established.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture or produce of the United States of America or of the Hawaiian Islands respectively shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty to be charged by either country on such products.

No export duty or charges shall be imposed in the Hawaiian Islands or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty, under the first and second articles of this convention.

No lease, &c., of Hawaiian ports, and no other nation to have same privileges.

It is agreed, on the part of His Hawaiian Majesty, that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

ARTICLE V.

When to take effect.

See Act 1876, Aug. 15, ch. 290.

See proclamation, p. 627.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America.

How long to remain in force.

Such assent having been given and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years, from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

Exchange of ratifications.

See proclamation, p. 627.

The present convention shall be duly ratified, and the ratifications exchanged at Washington city, within eighteen months from the date hereof, or earlier if possible.

[January 30, 1875.]

1879—NUMBER —.

[RECIPROCAL PROTECTION OF TRADE-MARKS IN UNITED STATES AND BRAZIL.] June 17, 1879.

21 Stat. L.

Preamble.
United States and Brazil agree that—
—citizens of each shall have same rights as natives as to trade-marks.
Laws of, to be complied with.
Execution of treaty.

A PROCLAMATION.

Whereas an agreement between the United States and Brazil for the reciprocal protection of marks of manufacture and trade in the two countries, was concluded and signed by their plenipotentiaries, at Rio de Janeiro, on the 24th day of September, 1878, *the original of which agreement is word for word as follows:*

Preamble.
R. S., §§ 4937–4947.
1876, Aug. 14, ch. 274.
1881, March 3, ch. 138.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND BRAZIL FOR THE PROTECTION OF THE MARKS OF MANUFACTURE AND TRADE.

United States and Brazil agree that—

The Government of the United States of America and the Government of His Majesty the Emperor of Brazil, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows:

The citizens or subjects of the two High Contracting Parties shall have in the dominions and possessions of the other, the same rights as belong to native citizens or subjects, in every thing relating to property in marks of manufacture and trade.

—citizens of each shall have same rights as natives in each other's possessions as to trade-marks. R. S., §§ 4937–4947. 1876, Aug. 14, ch. 274. 1881, March 3, ch. 138.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

—laws of, to be complied with.

In witness whereof the undersigned duly authorized to this end, have signed the present agreement and have affixed thereto the seals of their arms.

Execution of treaty.

Done in duplicate at Rio de Janeiro the twenty-fourth day of the month of September, one thousand eight hundred and seventy-eight.

And whereas the said agreement has been duly ratified:

Now, therefore, I, Rutherford B. Hayes, President of the United States of America, have caused the said agreement to be made public to the end that the same and every clause and part thereof, may be observed and fullfilled with good faith by the United States and the citizens thereof.

By the President, June 17, 1879.

1880—NUMBER —.

[CONVENTION BETWEEN THE UNITED STATES AND THE FRENCH REPUBLIC FOR THE SETTLEMENT OF CLAIMS.] Jan. 15, 1880.

21 Stat. L.

ARTICLE
Preamble.
1. Claims of citizens, &c., of United States against France.
— of citizens of France against United States.
— referred to commissioners.
2. Commission to examine and decide upon claims.
— but not claims for loss of slaves.
3. — vacancies in, to be filled.
4. Commissioners to meet in Washington.
— oath of.
— two may render decisions and make awards.
5. — organization of.
— to decide on evidence furnished by the governments.
— to consider written statements and documents.
— to hear one counsel named by the government on each side.
Governments to furnish papers on request.
6. Decisions in writing of two commissioners to be final.

ARTICLE
Terms of awards.
7. Full force to be given to decisions without delay.
8. Claims to be presented within six months after notice of meeting.
Commissioners may extend time three months.
Claims to be decided within two years, without extension, except, &c.
Commissioners to determine whether claim has been duly presented.
9. Payment of awards.
10. Record of proceedings.
Secretaries.
Compensation of commissioners and other expenses.
Expenses to be defrayed by deduction from sums awarded.
11. Proceedings to be a final settlement.
Claims not presented, barred.
12. Ratification of convention.

Whereas, a Convention between the United States of America and the French Republic, for the settlement of certain claims of the citizens of either

Preamble.

country against the other, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the fifteenth day of January, in the year one thousand eight hundred and eighty, which Convention is word for word as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC, FOR THE SETTLEMENT OF CERTAIN CLAIMS OF THE CITIZENS OF EITHER COUNTRY AGAINST THE OTHER.

The United States of America and the French Republic, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country as hereinafter defined, during a state of war or insurrection, under the circumstances hereinafter specified, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, as follows:

The President of the United States, William Maxwell Evarts, Secretary of State of the United States, and the President of the French Republic, Georges Maxime Outrey, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Claims of citizens, &c., of United States against France.

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870–'71 between France and Germany and the subsequent civil disturbances known as the "Insurrection of the Commune";

—of citizens of France against United States.

And on the other hand, all claims on the part of corporations, companies or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the United States, during the period comprised between the thirteenth day of April, eighteen hundred and sixty-one, and the twentieth day of August, eighteen hundred and sixty-six, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the French Government, and the third by His Majesty the Emperor of Brazil.

—referred to commissioners. 1880, June 16, ch. 253.

ARTICLE II.

Commission to examine and decide upon claims.

The said commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character, presented to them by the citizens of either country, except such as have been already diplomatically, judicially or otherwise by competent authorities, heretofore disposed of by either government; but no claim or item of damage or injury based upon the emancipation or loss of slaves shall be entertained by the said Commission.

—but not claims for loss of slaves.

ARTICLE III.

—vacancies in, to be filled.

In case of the death, prolonged absence, or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the

United States, or the Government of France, or His Majesty the Emperor of Brazil, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the date of the occurrence of the vacancy.

ARTICLE IV.

Commissioners to meet in Washington.

The Commissioners named as hereinbefore provided shall meet in the city of Washington at the earliest convenient time within six months after the exchange of the ratifications of this convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I. and II., which shall be laid before them on the part of the governments of the United States and of France respectively; and such declaration shall be entered on the record of their proceedings:

—oath of.

—two may render decisions and make awards.

Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

ARTICLE V.

—organization of.

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specfied in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission.

—to decide on evidence furnished by the governments.

They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments.

—consider written statements and documents.

—to hear one counsel named by the government on each side.

They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim.

Governments to furnish papers on request.

Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

ARTICLE VI.

Decision in writing of two commissioners to be final.

Terms of awards, &c.

The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating, in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States or of France, as the case may be; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

ARTICLE VII.

Full force and effect to be given to decisions without delay.

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

ARTICLE VIII.

Claims to be presented within six months after notice of meeting.

Every claim shall be presented to the Commissioners within a period of six months, reckoned from the day of their first meeting for business, after notice to the respective Governments, as prescribed in Article V of this Convention. (1)

Commissioners may extend time three months.

Nevertheless, in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

Claims to be decided within two years without extension, except, &c.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case the proceedings of the Commission shall be interrupted by the death, incapacity, retirement, or cessation of the functions of any one of the Commissioners, in which event the period of two years herein prescribed shall not be held to include the time during which such interruption may actually exist.

Commissioners to determine whether claim has been duly presented.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention. (1)

ARTICLE IX.

Payment of awards.

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article X.

ARTICLE X.

Record of proceedings.

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof;

Secretaries, &c.

And the Governments of the United States and of France may each appoint and employ a Secretary versed in the language of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Compensation of commissioners.

Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other.

Other expenses.

All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners, shall be defrayed by the two Governments in equal moieties.

Expenses to be defrayed by deduction from sums awarded.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per centum on the sums so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

ARTICLE XI.

Proceedings to be a final settlement.

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided by this Convention as a full, perfect and final settlement of any and every claim upon either Government, within the description and true meaning of Articles I and II;

Claims not presented barred.

And that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Com-

NOTE.—(1) The time for presenting claims under this provision expired with June 22, 1881.

mission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, concluded and barred.

ARTICLE XII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within nine months from the date hereof. Ratification of convention.

In testimony whereof the respective Plenipotentiaries have signed the present Convention, in the English and French languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Washington, the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the city of Washington on the twenty-third day of June, one thousand eight hundred and eighty:

Now, therefore, be it known that I, RUTHERFORD B. HAYES, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

[June 25, 1880.]

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NOTE.—A star (*) indicates that the provision on the page thus marked has been incorporated into the second edition of the Revised Statutes. Brackets [ ] indicate that the provision on the page thus inclosed has been superseded or repealed by subsequent legislation.

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